LETTERS

ON

SLAVERY,

ADDRESSED TO THE

PRO-SLAVERY MEN OF AMERICA;

SHOWING ITS

Illegality in all Ages and Nations:

ITS

DESTRUCTIVE WAR UPON SOCIETY AND GOVERNMENT, MORALS AND RELIGION.

By O. S. FREEMAN.

"Whatever dishonors human nature, dishonors the policy of a government that permits it."—*Lord Lyttleton's History of Henry II.*

BOSTON:
BELA MARSH, 15 FRANKLIN STRETT.
1855.

Entered according to Act of Congress, in the year 1855,
By BELA MARSH,
in the Clerk's Office of the District Court of Massachusetts.

WRIGHT AND HASTY, PRINTERS, 3 WATER STREET, BOSTON.

OPINIONS OF THE PRESS.

[From the Boston Atlas.]

It is one of the most interesting works on the subject that we have read for a year, and contains much that is new to the general run of readers. As freedom and slavery are now fairly arrayed against each other in the political arena, we advise the combatants to peruse this pamphlet before proceeding to blows.

[From the Boston Traveller.]

We admire Mr. Freeman's industry. He appears to have been at immense pains in searching for authorities against slavery, and traces the "institution" down from the most remote and barbarous ages, showing that all great authorities, legal or political, have denounced its existence, and that historical experience has also condemned it as fraught with injustice and danger. These Letters on Slavery will form, for future use, an irrefutable text-book upon the subject.

[From the Boston Telegraph.]

We have rarely seen so much genuine anti-slavery truth packed into so small a space as is the case with this work. The author has ransacked history, theology philosophy, law, and every other species of knowledge for arguments against the sin of this country. His citations from the Christian fathers and from the patriots and sages of all time, in favor of the higher law of liberty, are of great value, and cannot be gainsayed. The book, though small, is a perfect armory of argument and quotation for the friend of freedom. It costs but a trifle, and we hope many will buy it.

[From the Congregationalist.]

These letters are no hastily written and superficial documents. They deal in facts of history and law and ethics, which have been gathered with large labor and arranged with patient study. They indicate very extensive reading, and will be valuable as the index of multifarious lore upon the subject which they discuss. We commend them heartily to the widest circulation, confident that they will do good.

[From the Christian Freeman.]

It has no waste words. Every family in the United States should read it; and all professional men, and men taking an active interest in the subject, should possess it as a book of reference.

[From the South Boston Gazette.]

This is a remarkable pamphlet. It is remarkable for the condensation of a mass of truths in a small compass, which might reasonably be spread over a much larger space. *Multum in parvo* might appropriately be stamped upon its title-page. Friends of the rights of man, and believers in the Higher-law doctrine, should read this pamphlet, and give it an extensive circulation.

[From the Cambridge Chronicle.]

The work deserves to be read by all who are interested in a subject of such vital importance.

[From Zion's Herald and Journal.]

This pamphlet is elaborately written, and must have cost its writer immense pains. We commend it to the attention of pro-slavery men both in church and state.

[From the New England Spiritualist.]

The work displays great erudition and vast research; its style is exceedingly condensed, and it will form an armory of weapons for the use of all who are battling for human freedom, whether physical, mental, or spiritual.

[From the Liberator.]

It embodies much historical intelligence on the subject of slavery, a strong array of authorities against the folly and wickedness of attempting through legislation and compacts to nullify the 'higher law,' and a lucid argument to show that the pro-slavery spirit of the day is identical with ancient toryism, in its impudent assumptions, its method of reasoning, and its denial of human equality. It indicates laborious research, and a diligent examination of the whole subject. We commend it to the attention of all.

[From Hon. Gerrit Smith, to the Author.]

SIR:—"I have this moment finished reading your 'Letters on Slavery.' It is the best book I ever saw in proof of the impossibility of legalizing slavery. The friends of freedom and of true civil government owe you a great debt."

PREFACE.

The original plan of the author was the preparation of a larger work than the present, on the subject-matter in hand. The vast accumulation of materials, after a long course of investigation, convinced him that that would be very cumbersome, and satisfy but a few. The state of the public mind demanded something that any man could buy and read of an evening. And yet, the subject demanded that critical minds should be supplied with sufficient authorities on the points handled. Not only the common reader, then, was to be supplied, but lawyers, clergymen, statesmen, politicians, and reformers.

To effect this, the author has reduced a work of more than one thousand pages to the present form, which every man, however poor, can purchase, and which the statesman may carry in his pocket.

This volume, then, is for the *whole* people, though addressed as letters to a particular class. The author has chosen this method—that of letters addressed to pro-slavery men—for reasons which will appear obvious to the reader as he passes along.

The time has come when every lover of his country and of humanity should understand the true basis of civil association and government. He should know what slavery has done, and is doing, by an inevitable law of nature, to destroy free institutions, and convert society into a chaos.

He should be able to see at a glance the tendency of every measure of government that is suicidal to the State. His soul should be aroused by the example of past times; his mind fortified with those absolute principles of right which the Almighty has developed in the history of all nations. And, feeling the ground of righteous law to be indeed the rock of eternal ages, he should stand upon that, fearless and firm, making no compromise with wrong; but openly, honorably, fearlessly, and with well-directed power, strike down the evils that make war upon the "rights of human nature."

To furnish every American—every man, indeed, who cares for the right—with a good armory and a well-stored magazine, accumulated from the good and great of all nations and ages, that every one may choose what best fits him in the great contest upon which we have now entered, is the purpose of this volume.

The author has endeavored to furnish in marginal references all that the most inquisitive could desire, or the greatest sticklers for authority could wish. Errors may have crept into this department, in the typographical execution, which future editions will correct. The true critic will have charity.

LETTERS ON SLAVERY.

LETTER I.

MAN is the same in every age, in every clime. He may differ in certain phenomenal respects, under the physical influences of locality, and the modifying play of native institutions; yet, in no respect, are the fundamental principles which constitute him man, altered or annuled. All that he has been, all that he is, all that he can be, lie infolded as capacity, as capability, as potential power, as much in one man as in another. Not that all are equal poets, or philosophers, or mechanics. But all possess the essential *elements of humanity*, so that no one can be declared, *a priori*, incapable of any particular human development. One specimen of a *man* among the Africans is enough to prove the title of his race to manhood; otherwise idiots and fools in other races might overbalance the evidence in their favor.

All that any member of humanity may be, as a man, he has the *right* to become. All that the most favorable circumstances can aid him in becoming as a man, he has the *right, as a man*, to seek and appropriate, providing he pushes no one else from his equal right. To suppose God has created any rational capacity, without giving the right of its proper development, is equivalent to the supposition there is no God. There is no God who is not consistent with himself. You must either deny that Jehovah has created those you enslave, men, or you must allow them the *rights* of men, else you deny the supreme right of Divinity to command you to deal justly. Your position involves atheism—a crime against reason, justice, Divinity.

All that is righteous within reach of any human being, by virtue of power conferred by the Almighty, any man has a Divine charter of rights for attaining, without asking consent of any human corporation. Nor has any body of men, be they King, Lords and Commons, or President, Congress, or the nation, the right, or authority to push him aside, much less to make him a slave. His Divine title holds good against all the powers of earth and hell. Their attempt to defeat him is war *de facto* against Eternal Justice. Nor is this all. The war against the just right of one man is waged against the equal right of all. Claim the right to make a slave of one man, you deny your own right to freedom. If you may make a beast of him, he may make a beast of you. In making a beast of him you make a beast of yourself.

Man was made before society. Society can have no right that man has not allowed it. He cannot delegate to society what he has no right to allow to himself. He has no right to enslave another; society can have no such right; society cannot guarantee a right that is wrong. The rights of society are the aggregation of individual rights. Every man may protect the just claims of himself and his brother. Society has the right to protect the just claims of *all*. Nay, further: Men associate and organize for *rational* purposes. The principal purpose, the grand aim, is protection of human rights. Power is conferred upon government for this sole purpose. No man enters society to be a slave, but that he may have his just claims protected, by the supreme power of it, in case any member, or body of its members, attempt to rob him. Can the supreme power side with the robbers? Not by any *right* it possesses; not without opposing its own right of authority. Its authority was given to do justice, and that alone. To side with the aggressive power, with the robber, the oppressor, is abrogation of its authority, an abandonment of government, an assumption of despotism. From a protector of human rights it becomes their sworn enemy. It turns its sword upon society and hews it in pieces.

Justice existed before the *forms* of government. It is the law of one man, the law of every man, the law of

society, the law of government. Men make society, society make governments, and governments rule for society by authority of the rights of mankind. That is not government but tyranny that rules by injustice. Heaven ordains no law for man that is not as good for one as for another. Government, not tyranny, is the ordinance of God. It is by His law that it rules; that law "regards not the person of any man," it is "a terror to *evil* doers," not to "those who do well." Equal and impartial, it can do no less for the beggar than for the millionaire; not acting by human senses, but by its own divine spirit, it knows no difference between the African and the Anglo-American.

Do you say this is all mere rhetoric? Tyrants and demagogues have always said that; the former to justify themselves in their injustice, the latter to excuse their own consciences for duplicity. All good men, all wise statesmen, all benefactors of the human race, from Confucius down to Blackstone and Isaac T. Hopper, have held to the same principles. Only the robbers and pirates, the despots and their cringing minions, have denied them. They have been recognized in all the legitimate civil systems whose histories and laws are known in the world.

Where is the nation whose history does not show that its fundamental law is that of equal justice and the rights of all men to freedom? I care not how ancient, I care not how modern the nation, its one fundamental law is the same. For wherever humanity was, wherever it is, its rights have been and are declared in the first principles of society. They followed the Nomads, settled with the Shepherds who watched the stars and the robbers who stole their flocks, stood by the hardy Yeoman in defence of the products of his toils. When men assembled in cities, the defence of right was the aim—protection against the human wolves who lived upon the spoils of human rights. Nor was it till these monsters climbed into the fold of government that civil power offered to protect injustice and robbery. Nor was it till then that political demagogues had birth, whose mother is hypocrisy, and whose father, tyranny. These are the men, who gaining the favor of the people by hollow flattery, persuade them that good

government being impossible, they can only expect a little right and a great deal of wrong. But, say they, "As we are the friends of right, we will very cheerfully aid the dear people as well as circumstances will allow." "We are *practical* men," say these demagogues; "we *do*, while others think, and dream, and philosophise." Yes, gentlemen, you *do*, for ever do for yourselves, while the dear people delegate you to act for them. They send you to restore right, to root up the poisonous weeds of the civil garden. You return to them, having plucked the flowers for the adornment of your own persons.

We have boasted that the American governments are founded upon principles new to the world. It has become a fashionable saying with some that the good whig fathers were the first who said, "*all men are born free and equal;*" as if mankind had lived thousands of years in ignorance of a *self evident* principle of their own nature. The truth is, it was known and declared more than a thousand years before America was dreamed of by its discoverer. Nor is this all. The same fundamental principles of the American constitutions were ever recognized as the only legitimate principles of government. We have only a variation of form. While the form has changed in every age, the principles of society have ever been permanent.

It would be an easy, and, withal, a profitable task, to show the exact likeness—the identity of the primary principles—of American state constitutions with those of all nations. Easy, I say, in respect to the fact, aside from the labor of collecting the materials necessary to its elucidation. The evidence on this head demonstrates that slavery cannot, by any possibility, be recognized by legitimate, but only by a bastard government, a system of tyranny. Let us try this in a small way, for I cannot expatiate at large.

Seneca affirms that "the strength which individual man wants without society, he finds when united with *his fellows as equals*."* Upon what principle could slavery enter into such a social compact? Upon what principle could any

* 1 Senec. de Benef., l. 4. c. 18.

member claim that superiority which would entitle him to be the arbitrary lord of others? In what way could he appropriate the fruits of any other's labors, without his consent, and without a fair equivalent, to say nothing of making his brother a chattel? Yet you, sirs, contend that the slaves of America are "members of society," and, in the same breath, that the members of society, in respect to their rights, are not equal; you therefore oppose the fundamental principles of legitimate society, and introduce a bastard system, that will allow of lordship, kingship, mastership, slavery.

Even Aristotle, though a Grecian aristocrat, a despiser of the humanity of all other nations as barbarous, fit only to be enslaved by the lordly Greeks, yet acknowledged that the law of human equality was the only legitimate basis of society, rendering slavery unjust and inadmissable. "It is neither for the good, nor is it just," says he, "seeing *all men are by nature alike and equal*, that one should be lord and master over others where there is no law, nor is it for the public good, nor just that one man should be a law to the rest, where there are laws; nor that any one, though a good man, should be lord over other good men, nor a bad man over bad men."*

Could the fundamental principle of every free American constitution be more clearly expressed. It was not for the good of Greece that her authorities allowed a large portion of the community to be excluded from her protection, and, contrary to the law of social organization, be held the absolute slaves of a privileged order. This was allowing a state of war *de jure* in the body politic, which could not be prevented from becoming a war *de facto* to the destruction of the commonwealth. It was allowing as paramount the partial and unjust claims of a select class in a community that could have no stability, no existence, in fact, without the actual, the decided recognition of that universal law, that guarantees to all men equal rights and denies to any, counter claims. It was allowing pirates and robbers a license to trample upon those fundamental and

* Pol., lib. 3. See Milton's Defence of the People of England.

eternal principles, the sacred regard of which, alone, on the part of government, preserves society from becoming the certain prey of impious men. It was breaking down the only guards and fences which the Almighty has placed around freedom, and allowing the wolves and bears of society to enter and devour the weak and the defenceless. It was casting the social superstructure from the immovable rock of absolute justice, and founding it upon the quicksands of passion and lust—the sensuous power of lawless tyrants. It was entering into a war *de jure et de facto* against the ordinances of nature and the judgment of heaven, and w[illegible] certain to be rigorously punished with the total ruin of the state.

The best minds and hearts of Greece saw and felt this; and they raised their voice against slavery. They denied the justice of the claim of any, upon the involuntary and unrequited services of unfortunate men. "Equal law was the decree of the gods. Jove created none to tyrannize over others. All men had descended from the gods with the same natures, the same liberties, the same rights. They had sent heroes to exterminate tyrants and monsters who preyed upon human society." They delighted in the liberty of mankind; they had given freedom as a sacred birth-right of all—had written it upon the soul of the poorest and the weakest as a divine diploma which no tyrants could efface.* "Tyranny," said Aristotle, "is against the law of nature."† Euripides, in his play called "The Suppliant," introduces Theseus, King of Athens, as saying, "I have advanced the people themselves into the throne, *having freed the city from slavery*, and admitted the people to a share in the government, by *giving them an equal right of suffrage*."‡

So slavery was declared to be contrary to the Grecian constitution, by some of the most eminent among the Greeks.§ Nor could it be regarded by Socrates in any

* Arist. Pol., l. 1, c. 3.—Plato. De Leg., l. 9, p. 660.—Cudworth, b. 1, c. 5.—Plato in his Eighth Epist.—Isocrat. Orat. de Permutat.

† Pol., l. 3, c. 12.

‡ As quoted by Milton, in his Defence of the People of England.

§ Thucyd., l. 4, c. 86.

other light than as a system of robbery.* It was at war with society. It could not be sustained without force, contrary to right. It was acknowledged that before men made war upon one another slavery had no existence; that, rightfully, every man was by nature free, and had a right to defend his freedom against all force to subject him to bondage.† Indeed, this was honorable, said the Greeks; "it is noble," said Cyrus, "to fight, in order not to be made a slave."‡ Nor can there be found a single dissenting voice among the best Greek authors on this point.

Yet it was held the moment a man was conquered by another he lost his title to manhood and became the absolute slave of the conqueror. It mattered not how distinguished the captive had been, nor how honorable. The slavery of the captive was the reward of valor, prowess, and strategem—thus wholly excluding the law of absolute right, the law of society. Force without law begat slavery, and only force without law could sustain it. But force without law was at irreconcilable warfare with the rights of mankind and the principles of society. Therefore, slavery could never be incorporated into society. It could only be introduced as its enemy. It could only be attached to society as a sinking weight that would drag it under the waves. The captive, the slave, was the natural enemy of his oppressor, and of all who took sides with the tyrant against him. Greece was in almost a constant state of civil warfare after the establishment of slavery. The principles of the constitution were disregarded. One state made war upon another as a band of robbers. Greek enslaved Greek. Justice and equity fled. Policy and stratagem, bribery and corruption, force and slavery, anarchy and dissolution, took the place of humanity, justice, virtue, unity, and peace.

---

* Xen. Mem., l. 4, c. 2.

† Xen. Cyrop., l. 3, § 2.

‡ Ibid. "At the second period the Athenian *citizens* were 21,000," "while the slaves numbered 400,000." [Mitford, vol. 1, pp. 354, 355.] Who can wonder that Greece fell.

Tradition, in the age of Herodotus, preserved the memory of a time when slavery was unknown in Greece. Herodot., l. 6, p. 137. Sparta, as a band of robbers, made war upon Helos, and reduced all the people to perpetual slavery.

Yet you, sirs, advocate this as a worthy example for America to follow. You would have us all slaveholders. You would have us turn robbers, pirates, tyrants. You would drive justice from the land, liberty from the state, religion from the temple, and God from our souls. Antiquity enroled Hercules amongst the gods, because he punished Busiris, Diomedes, and other tyrants—the pests of mankind and monsters of the world.* "We have all our beast within us," said Aristotle,† "and whoever is governed by a man without justice and law, is governed by a man and by a *beast*."

It was seen by Plato that slavery segregated and destroyed Grecian society. It was partial to the claims of injustice as right;‡ favored the few in the robbery of the many; destroyed the honor of free labor; drove the virtue of humanity out of the hearts of the people; made them venal, sensuous, fraudulent; while it exalted the power of unprincipled slaveholders, made them over-reaching, proud, domineering, the sworn enemies of society, and the founders of the most despicable of all tyrannies—an oligarchal despotism in the name of democracy.

Yet you point to the ancients, and say, "Slavery always existed. It was recognized in the republics of Greece." Ah, yes! Always recognized by tyrants, and by those whom slavery had so much degraded as to render unfit and despicable as the interpreters of law. Remember, sirs, who trampled upon the liberties of Greece; who were left to wander amid her ruins; whose careless feet kicked the bleached skulls of tyrants and slavemasters. Go, sirs, and interrogate those classic remains! Call up the spirits of the ancient dead! Ask, why these solemn ruins? Why this lonely desolation? Why has fled society, and left the owl and the bat, the serpent and the wolf, to people the palaces and temples of the classic land? From out the depth of old ruins shall come the answer, These are the works of masters and of slaves.

There is but one foundation for society, that is, absolute

* Judgment of Whole Kingdoms and Nations, par. 32.
† Pol., l 3, c. 11.
‡ Plato de Leg., l. 9.

right—as solid and immovable as eternity. Build upon that, for all hell can't prevail against it. But tyrants seek other foundations. They prefer the quagmire of lust, the quicksands of sensuousness. They entice the people away from the ordinances of heaven, and make them the instruments of their own slavery. To suppose that the rights common to all men are not the fundamental principles of society, is impossible. Yet you, sirs, are forced to involve yourselves in that monstrous dilemma, of either denying that society has immutable foundations of moral law, that there is equal law of justice established by Jehovah for the government and regulation of men's lives in respect to one another as brethren, or you must, in justifying robbery and slavery, admit that you have turned rebels against Infinite Justice, and have joined the enemy of all mankind in subjecting humanity to beastly servitude. The latter position is diabolical in the extreme. Open rebellion against the government of Heaven is more than any human being, under Christian light, would be willing to declare. You must then, confess yourselves hung upon the other horn. You must confess that you wholly deny that the Almighty is infinitely just, and has established justice as the eternal rule of society; that, there being no justice for the equal regulation of the conduct of men in respect to each other, there is no wrong in one man robbing and enslaving another.

This was the position which the pro-slavery school of Greece were forced to take.* For it was as impious in the sight of the Grecians to declare war with the Supreme Deity as it would be now. It was easier for tyrants and robbers then, as now, to create doubt in the minds of many that the eternal justice was the immutable law of society. It was easier, by appealing to the selfish passions of men, to sophisticate the reason and drown the voice of conscience, and upon the ruins of faith in right build a system of robbery and despotism.

These Grecian sophists who supported slavery said, as

* They were forced to reason against the existence of natural justice, and declared there was no injustice but that which was conventionally so. See Plato de Repub., l. 2.

you say, "Slavery has always existed somewhere; nothing is that the gods have not created; therefore slavery is a divine institution." So every open robber and pirate reasoned. The filthy debauchee used the same arguments.

Thus the same arguments you are forced to use in support of slavery and robbery, the corrupting sophists of Greece resorted to in justification, not only of slavery, but of all the crimes in the calendar. Is it a wonder, then that Greece fell? Once destroy faith in the principle by which one criminal action is made to be criminal, and you have mined away the whole foundation of moral rectitude. Then you may enact that virtue itself shall be a crime.

LETTER II.

WHAT nation was ever destroyed by the equity and justice of its laws? What nation of antiquity, whose ruins remain to tell the tale of long-gone woes, fell not by the hands of both tyrants and slaves?

There was a time when ancient Rome recognized the equality of all men in her fundamental principles of social compact. Had she held by these, and maintained them by rigid virtue—even had the penalties been as severe as they are said to have been—Rome would have remained firm and unshaken through all the fierce onsets of barbarous tribes. But a few ambitious men blew the trump of conquest, marshaled the spirits of the people from peaceful labors into freebooting bands, and on they rushed upon the nations. The conqueror returned with spoils, with long processions of miserable captives, and these were sold into perpetual bondage. Every new conquest crowded the markets with thousands of slaves. So numerous at one time had they become, that men were sold for less than a dollar per head.

It is awful as well as instructive to mark the results of this horrid system of barbarity—to observe how the Almighty Judge, by an inevitable law, turned the whole weight of this curse, the Romans were heaping upon wretched foreigners, upon their own heads. As the slaves increased, free labor was destroyed and became a disgrace. Every Roman citizen who had the means, purchased the right of becoming a tyrant by purchasing a slave. Effeminacy seized upon the once virtuous and industrious workers. Those who had been most successful in foreign robbery, and were the most artful, now commenced a system of robbery at home. The wealthier citizens secured a supremacy of power. The great body of the citizens who had cultivated their own plots of ground were unable to

bear up under the burthen of playing gentlemen and having their small patches cultivated by slaves. What every man had once effected by his own industry, it now required two or three slaves to effect. To work himself was to place himself in the condition of a slave. For honor he was therefore obliged to sell both his lands and his slaves, which the rich managed to obtain for a song. As the poorer citizen turned his energies to other sources for a livelihood where there was less disgrace, alas! he was soon met with the same dread images of slavery and death. Slaves! slaves!! slaves!!! he saw everywhere, and dreaded everywhere. Every where and every moment they haunted his visions. They were always devouring the last crumbs of his famishing children. Thousands of these once industrious citizens became beggared; thousands became petty criminals of all shades. There was no honorable calling but in the army or in civil offices, and these were controled by the wealthy nabobs. The beggared Roman still boasted of his freedom, though robbed of all but the name. Equality was destroyed, and liberty had become a mockery.

What a tale does Tacitus tell in these few lines: "After the conquest of Asia the whole state of our affairs was turned upside down; *nothing of the ancient integrity of our fathers was left amongst us;* all men cast away that former equality which had been observed."* And this he repeats with mournful emphasis. Montesquieu, who devoted his life to the study of the laws of all nations, and a great portion of it to the study of the Roman system, attributes the downfall of the Republic to the influence of slavery;† and, in his learned work on the Spirit of Laws, with his eyes upon sad examples of slavery in the Grecian and Roman Republics, he says: "In democracies, *where they are all upon an equality, * * * slavery is contrary to the spirit of the constitution;* it only contributes to give a power and luxury to [some of] the citizens which they ought not to have."‡ And again, alluding directly to the system of

* Tacit. Ann., lib. 3.
† See Montesquieu's Rise and Fall of the Roman Empire.
‡ Spirit of Laws, b. 15, c. 1.

Roman despotism which came to exist in consequence of the slavery, and which was exercised in the name of law and order, as you now carry it out in the *Republic* of America, he says: "No tyranny can have a severer effect than that which is exercised under the *appearance* of laws and with the plausible colors of justice."* Plato had made almost the same expression in respect to the tyrannical course of civil power in the name of law and order. "The most complete injustice," said he, "is to seem just, not being so."† It is hence that Montesquieu, speaking of the "law" or act "of slavery," says, "*It is contrary to the fundamental principle of all societies.*"‡

Rome, like Greece, violated the great social law in allowing slavery. She made war upon the spirit of her own constitution as a republic—as a democracy. The citizens became petty tyrants. Wealth seized the supreme control. Free labor was annihilated. The whole nation became enslaved. And when all had become mendicant freemen, bloated tyrants, and miserable slaves, Cæsar found no obstructions in establishing a despot's throne. "The country," says Plutarch, "swarmed with a numerous company of barbarous slaves, whom the rich men employed in cultivating their ground which they had acquired by dispossessing the citizens." This infamous double robber crushed the hearts of the citizens. Poor and despised, they refused to enlist in the armies to defend their robbers and themselves; "nor did they," says Plutarch, "take any care of the education of their children." Thus ignorance, imbecility, vagabondism, loathsome vice, and universal ruin, followed in the train of Roman slavery. Yet you point to the Romans in justification of this mother of desolation—refer to it as a blessing to be fostered by the Republic of America. If you had gone to Polybius, he would have told you that "none but unprincipled and beastly men in society assume the mastery over their fellows, as it is among bulls, bears, and cocks."§ Had you gone to

* Montesquieu's Rise and Fall of the Roman Empire, ch. 14.
† Repub., l. 2.
‡ Spirit of Laws, b. 15, ch. 2.
§ Polyb., lib. 4.

Cicero, and the most eminent of the Roman lawyers, they would have told you that slavery was at war with the fundamental principles of the Roman nation and the grand "*law of nature, by which all men are born free.*" They would have told you that the "Law of Nature," which is "the law of all nations, forbids one man to pursue his advantage at the expense of another."* And Cicero would have told you in particular, heathen as you may call him, that this "law of nature"—this fundamental principle of all societies of men as well as of every individual man—"is universally binding upon all men;" that you are "not allowed to retrench it in any part, nor to alter it, much less to abolish it;" that it was "obligatory upon Rome and upon Athens;" that it "is the same to-day, tomorrow, and is eternal and invariable, because God, who is its author, and has published it himself, is always the sole master and sovereign of mankind;" that "whoever violates it, renounces his own nature, divests himself of humanity, and will be rigorously punished for his disobedience."†

Thus, in Rome, the "Higher Law," which you affect to despise, and call in ridicule "Babel-building," was regarded as the fundamental and absolute law of the nation by the highest legal authorities. Nor was it allowed by the best Roman minds that any decree of the Senate counter to this Higher Law was obligatory upon the people. There was a class of pettifoggers in that age, as there is now, who sophisticated the subject of law, and tried to make unrighteous legislation reasonable and acceptable. The "Higher Law" school, at the head of which stood Cicero, advocated that unjust ordinances and decrees were equivalent to an attempt to "*create* law," which was in itself impossible.‡ It was contended by these noble civilians that that is not law, and, therefore, not obligatory, which is not in itself just. Nor could the people alter any thing in this respect. They were bound by the eternal law as much

* De Offic., l. 3, c. 5. Ibid. Also 9th Law Dig. et Justit et Jure, l. 1, tit. 1.

† De Repub., l. 3. Apud Soct. Inst. Div., l. 6, c. 8. See also Marcus Tullus Orat. de lege Agra. Also Theophilus de *Jure Naturæ et gent.*, § 6. Also Soto. De Just. et Jure, l. 4.

‡ See Cicero De Leg., l. 1.

as the Senate. They had no power to *make* injustice right, nor to bind any man to the performance of an unjust act. "If laws," said he, "could be *created* by the ordinances of the people, the decrees of princes, or the sentences of the judges," as was the doctrine of some, then "robbery might be lawful, adultery might be lawful, setting up forged wills might be lawful, if these should be approved by the votes or the ordinances of the multitude."*

The same corrupting and destructive sophistry was then stealing its way into Roman society, under the influence of slaveholders, which is now so alarmingly prevalent in portions of American society, namely: that whatever the supreme power decrees in a nation is right, and, therefore, binding. Cicero saw the fatal consequences of this sophistry, and met it as it deserves to be met in America. "If," said he, "there be such a power in the decrees and commands of fools, that the nature of things is changed by their votes, why do they not decree that what is bad and pernicious shall be regarded as good and wholesome? or why, if the law can make wrong right, can it not make bad good?"†

Natural law—equal and eternal justice—is the basis of all human law, said Cicero,‡ and this was according to the arguments of all wise men who had preceded him.§ "I see this," says he, "to have been the opinion of the wisest men, that law is not something wrought out by man's ingenuity, nor is it a decree of the people, but it is something eternal, governing the world by the wisdom of its commands and prohibitions." Hence he declared that "those who had made pernicious and unjust decrees * * * had made any thing rather than laws."

It was all to no purpose however, that Cicero attempted to beat back the flood of legal corruption that was overwhelming the nation. The supporters of injustice—the aristocracy, the slaveholders—who had already gone far in robbing the people, in crushing free labor, in making the

* De Leg., 1, 17.
† Ibid.
‡ Ibid, l. 2.
§ Ibid, l. 4.

people the infamous tools of their own ruin, in corrupting the Senate, the judges, and every possible source of right, had too firmly established themselves for Cicero to succeed in restoring the nation to first principles. When the sources of legislation become so corrupt that there is not moral energy enough to recover first principles, the ruin of the civil state, the destruction of society, is as inevitable as if the avenging angel dashed his exterminating thunders upon the nation in one awful blaze. Roman slaveholders triumphed; they warred against God and his law of nations; they destroyed free labor, common education, robbed the people of their lands, covered them with slaves; and Rome the Republic fell, and Cæsar ascended the throne.

Ah, sirs, once break down the law of right—let a nation once concede that one man may without crime hold another in slavery, and rob him of his rights—once let the people join with the slaveholder and say there is no higher law than the decrees of the slave power—once compromise justice for the sake of union and peace—and every pillar of the civil temple has become rotten, cankered, and eaten by worms; then but a footfall, the jar of the passing train, a single human voice, may throw the pile of ages into a heap of desolate ruins.

Society from everlasting is built upon the same principles. Those principles are God's, not man's. They are for the safety of no class to the exclusion of others. They are for the equal safety of all. Lay your impious hands upon them for their destruction, and your own ruin is certain. Break down the fences and guards around freedom, and you shall be the first to be made a slave when the master-tyrant comes. Open the way for despots, and you shall be the first to be crushed under his iron heel.

What did Cæsar do when he had conquered the coward slavemasters by the sound of his name? He saw the shameful degradation of the people, the despotism of the petty tyrants, the land crowded with slaves and all in ruins. He called to him the wisest of the Romans. Were these the friends of slavery? Far from that. Of Agrippa and Mæcenas he asked what was best to be done. The

power, said he, is now in *my* hands; what shall I do with it? Shall I re-build the lost Republic? or shall I hold the power as the supreme head, and make my decrees absolute? And Agrippa replied: "Restore the Republic to her ancient laws of freedom and equality, for they who are born in the same state desire equality, of which being possessed, they rejoice, and grieve when deprived of it; and *all* men, as they are descended from the gods, and are to return unto them, look upwards, and will neither be ever under the dominion of one, nor patiently bear to be partakers of labors, dangers, and expenses, and be deprived of the communication of better things." But this did not so well please Cæsar. There was no virtue to cement a new Republic. There were few but masters and slaves. These could make no Republic. Then Mæcenas advised that Cæsar should retain the supreme power, and, as the saviour of his country, restore freedom and equality to the people, and force the robbers to give back the stolen lands to the rightful owners, and revive the honor of free labor. But Cæsar the conqueror was himself a slave, and he feared to restore justice, lest justice should restore him.

Other emperors succeeded. Some recorded their acts in blood and the tears of widows and orphans and wretched men; others, with noble deeds, gave their names to the pleasant memories of all future ages. There were three who would have restored all men to freedom and their equal rights, but had too little faith in the power of the people to sustain them in the immediate and entire emancipation of the slaves, and the full restoration of free labor to its honor and lost rights. Besides, the wealthy citizens, who were the slaveholders, held many of the offices of government, and those who held no office had the power of corrupting those who had. Antoninus Pius, Theodosius the Younger, and Justinian, (the three emperors referred to) found themselves obliged to resort to more indirect methods to destroy slavery and restore the sinking power of the nation. Their first step was to encourage manumissions, and to confer Roman citizenship upon those manumitted. The learned Gothofred, referring to the three noble edicts of these emperors for conferring citizenship upon the manu-

mitted slaves, says, "Thus good princes are usually wont to surpass each other in governing their subjects with *equal right.*"*

Another indirect means was to restore, in form at least, the grand fundamental law of society and government. The most eminent jurists were employed to look into the laws of all nations—to digest their principles and develop them in form. The ancient laws of Rome were to be especially regarded. In the results of this immense labor, of the wisest lawyers under the wisest of the emperors, we have developed what I have asserted, namely, that the fundamental laws of all societies and governments are the same, and those are "*the laws of nature,*" which in their legitimate action render slavery impossible. The Roman jurists found that the basis of law in every nation was "common impartial justice"—"equal right"—"equity"—a recognition of the "natural right to freedom of every man." "All nations governed by laws and customs," said they, "make use partly of their own law and partly of the law common to all men."† This latter Cicero had observed, and said of it, "The law of all nations forbids one man to pursue his advantage at the expense of another."‡ And the Digest declared, as well as the Institutes, that "the natural law, equally recognized among all nations, being created by Divine Providence, always remains firm and immutable;"§ and that "the law which natural reason has established among all men, is equally held by all, and is called the Law of Nature, as a law which all nations use;"‖ and then, that "*Jure Naturale omnes liberi nascuntur*"—that "*by the Law of Nature all men are born free.*"

Thus the fundamental law of all nations, in the time of the Romans, declared the equal freedom of all men, and this law, "being created by Divine Providence," said the Roman jurists, "always remains firm and immutable." "Nor can it be altered nor amended," said Cicero, "much less abolished."

---

* Bollan Cont. Corr., p. 60.
† Dig., l. 1, tit. 1. See also Inst., l. 1. tit. 2, § 1.
‡ De Off., l. 3, c. 5.
§ Dig., l. 1. Inst., l. 1, tit. 2.
‖ Instit., l. 1. tit 2, § 1.

This immutable principle was affirmed and re-affirmed by the best of the Roman emperors; but, joined with all their wisest statesmen and jurists, they were impotent to save Rome. The slavemaster had struck the parricidal blow which no physician could heal. The last drops of virtuous blood were ebbing quite away, and only the black blood of vice remained. Thus Rome died the victim of slavery.

LETTER III.

Is it not as absurd to suppose that society organizes without its "*natural law*," as that crystalization or germination and growth occur without their definite and invariable laws? Is not association as natural to man as it is to the bee and the beaver? Does not human society spring spontaneously from the soul and sentiment of human nature, the roots of which shoot down into the moral element of the universe?

How orderly, how regular is crystalization! How admirable is the formation of organic being! Not, however, unless their fundamental laws are dominant. Let other and foreign forces enter, and how ugly every thing becomes! In all the orderly processes of nature, every part that enters to make up the great whole has a *common* interest. It has its state and place, but its relation is *equal*. The sublime law that guides it to its place has no respect to parts. They are all divine, and have a sacred mission.

So in the orderly processes of legitimate society. The law of their occurrence is common, universal. Every individual part, every man, has his equal right with every other. He has his state and place determined him, not by the arbitrary will of a few, but by that common law—God's enactment—that determines the state and place of every man as he *freely moves* in the Maelstrom of the world.

The moment one part, or one man, assumes to himself what is not common to all, disturbance enters the mass, distraction seizes other members; orderly arrangement, then, is impossible. Yet the law that struggles for this will still be seen, but the result is an irregular formation, as much different from legitimate society as a rough lump of dingy quartz is unlike the transparent and geometrical crystal. Hence Plato: "That which is of a common or

public nature unites, while private interest segregates and dissociates."*

It was the latter that ruined Greece—the private interest of slaveholders. The same destroyed Rome. The common law of association—the equal right of all—was forced aside. It was denied its action. Partial legislation was allowed. Ah, sirs, how ruinous to all government is that! It licenses rights (wrongs) to a few it would be impossible for all to exercise! How has government the authority to do for the *few* what it *cannot* do for all? *All* associate and appoint government *for the common benefit of all.* There is no legitimate right short of that. The assumed right of the slaveholder is not the common right of all, else all would have the right to enslave all. That is impossible.

Common right is universal, equal, opposed to the assumed right of the few. Government, then, cannot allow it, as it is built on common law, common right, justice. Government cannot, then, sanction slaveholding—that would be justice sanctioning injustice. It would be favoring *assumed partial* right in its warfare against common right—against the fundamental principle of government. Not government, then, but arbitrary power, sanctions slavery. For common-right law is fundamental—the first, prime, sole law of social organization—the primal law of human relations. It is absolute. Would you go behind that? you shall meet face to face the Eternal God. Would you pierce beneath it? you shall meet the impenetrable rock of Divine Justice. Would you soar above it? then you shall pass into the heavens of Infinite Love!

America is following Greece and Rome. She has rebelled against her law of laws. She has abandoned common right. She legislates for slaveholders. Had Rome gone so far towards ruin three hundred years from her foundation? How old is America? Where is her nationality? What is her name abroad?

When Rome had become rotten with this sin, the barbarians came forth and dragged her carcase to the pit. Yet

* De Leg., l. ix, p. 660.

you quote Rome. "The Romans held slaves," say you, "and, therefore, Americans may hold slaves." Why not say, "America has a right to rebel against Heaven, and defy Eternal Justice—commit suicide?"

I have shown that the fundamental principles of Roman law, as well as those of all other nations, recognized the common right of all men, and were, therefore, opposed to slavery. When the Barbarians overran the Roman Empire, and, at length, began to organize into associations, the same law of common right was developed as the basis of government. Normans, Saxons, Franks, Visigoths, Ostrogoths, Lombards, all recognized this primal principle as the sacred basis of their civil societies. There is a universal concurrence among all the best writers on this* point. The fundamental law of human rights was also distinctly developed in the civil constitutions of Sweden,† Denmark,‡ Hungary,§ Arragon and Navarre,‖ Spain and Portugal.¶

This was by no mere voluntary choice. It was a matter of absolute necessity. The law of nature obliged it, as it obliges the crystalic energy to fulfil its definite action to produce a crystal. Men may choose to associate, but *they cannot associate in organic form without acting according to the common law of social organization.* Hence slavery is at war with legitimate government, and, therefore, legitimate government is at war with it. When slavery triumphs, government is overthrown. When slavery takes the place of government, society is overthrown; for society can be protected only by *legitimate government*, either internally, from the righteousness of every man; or externally, by the dread mandates of justice, in the forms of outward law, prohibiting wrong and affixing penalties to the infringement of common rights.

---

* See Hale's Hist. Com. Law. Stuart's Constit. of Eng. Rapin's Origin and Nature of Eng. Com. Law. Hallam's Mid. Ages. Hume's Eng. Dunhams Mid. Ages.

† Johan Magnus Hist., l. 15 & 29. Crantzius, l. 5.

‡ Pontanus, l. 8.

§ Donsinius, Decad 4, l. 9.

‖ Chalcondile, l 5.

¶ Molina, de Hist. Primog., c. 2, n. 13. Greg of Tours, l. 2. Lindenburg, l. 2, tit. 2. 17 tit. Ord. Portugal, l. 2, § 2, 3, et seq. Also Lind., l. 1, tit. 7.

While society in the Roman Empire was becoming a chaos of corruption, under the disorganizing influence of slavery, Christ was born within it as a new germinating and organizing energy. Only masters and slaves were to be found. Those who boasted of their freemanship were the oppressors of those called slaves. All the common offices of life had become degraded. Common charity had grown into a monstrous hypocrisy. Justice had fled, and left tyranny with its scepter of iron to rule in the name of law. Public virtue, there was none; and the common rights of humanity were as if they had never been. The indolent proud lived upon the toils of those they had degraded into beasts of burden, and looked with sanctimonious contempt upon the sons of labor, whom they called slaves; as if labor had been designed by the Creator a degradation, and those were to be scorned and crushed under the iron heel of tyranny who performed the most useful, indispensable offices of life.

Christ broke in upon this monstrous system, by taking upon himself the form of a slave, and acting in the service of humanity, without regard to the conventional rules of Scribes, Pharasees, slave-masters. He washed his disciples' feet, and said, "If I whom you call Lord and Master, have washed your feet, ye ought also to wash one anothers feet." There shall be, henceforth, no degradation in the offices of life. Ye shall have no slaves to serve you. Service, labor, usefulness, is henceforth to be viewed by you as holy. "All ye are brethren."* "Call no man master, neither be ye called master."* "Ye know that they which are accounted to rule over the Gentiles *exercise lordship over them;* and *their great ones* exercise authority upon them; but so it shall not be among you; but whosoever will be *greatest* among you, shall be your *minister*, and whosoever of you will be *chiefest* shall be the *servant* of all. For even the Son of Man came not to be ministered unto, but to minister."† "Be not like the Scribes and Pharasees." "They bind heavy burdens and grievous to be borne, and lay

* Matt. 23: 8--11.
† Matt. 10: 42—45.

them on men's shoulders, while they themselves will not move them with one of their fingers." They boast of their regard for the law, but "omit its weightier matters," "judgment, mercy and faith." They make "long prayers," but "devour widows' houses." They are "full of extortion and excess," and "like whited sepulchres, beautiful without, but within full of dead men's bones and all uncleanness." They build tombs for the ancient prophets, but "murder those who are sent to teach them." "Be not like the Scribes and Pharasees." But "all things whatsoever ye would that men should do unto you, do ye even so to them; for this is the law and the prophets." If ye would that men should slave for you, ye must likewise slave for them. Life is a ministry. All labor is holy, that ministers to the benefit of man. None shall be masters, none slaves, but all ministers of good, God's freemen; above none, beneath none. "Brethren," says Paul, "ye have been called unto liberty," "not" that liberty "which is an occasion" or license "to the flesh;" but that liberty in which, "by love we slave for one another." It is that state wherein freedom and slavery meet; that is,—*the labor which those who boast of being free, leave in their pride to be performed by crushed humanity; Christians shall do for each other and for the world as God's freemen*, so that there shall be in the church no worldly distinctions of bond and free, Greek and Jew, but all shall be equal, all ministers.

Such was the grand idea of Christian life. It was wholly at war with slavery. Hence the purest of the church fathers labored against slavery. The Christians in Asia Minor at a very early period "decried the lawfulness of it, denounced slaveholding as a sin, a violation of the law of nature and religion. They gave fugitive slaves asylum, and openly offered them protection."* Maximus preached and wrote against it.† Those who entered upon a religious life gave freedom to their slaves.‡ Theodorus Studita, gave particular directions, "not to employ those beings, created in the image of God, as slaves."§ Polycarp and Ignatious

* Fletcher's Lessons on Slavery.
† Maximus Exposit Dom. I., f. 356. Neander.
‡ Actis Sanct. Apr. T. I, append. f. 47, § 8.
§ Ibid. L. I., ep. 10. See Leander.

manumitted their slaves on realizing the equality of the Christian law. Constantine gave authority to the bishops to manumit slaves,* and granted Roman citizenship to many of those set free.† St. Augustine speaks of the freedom of slaves as a great religious virtue,‡ and declares the Christian law against regarding God's rational creation as property.§

Nor could the corrupting influence which heathenism and barbarism exerted upon the church, entirely destroy this particular mission of the gospel. Neander speaking of the early oriental Christians, says, "they declared themselves opposed to the whole relation of slavery as repugnant to the dignity of the image of God in all men."‖ "I can hardly credit," said Isidore, "that a friend of Christ, who has experienced that grace, which bestowed freedom on all, would still own slaves."¶ This was the spirit that animated the purest men of the church. By their influence, laws and charters of freedom were obtained, by means of which immense numbers of slaves were made free.** They united their exertions to enlist even the barbarian princes in the cause of the slave. Remigius thus wrote to Clovis, "Let the gate of your palace be open to all, that every one may have recourse to you for justice. *Employ your great revenues in redeeming slaves.*"†† Johannes Eleemosynarius, patriarch of Alexandria, addressing himself to a slaveholder, said, "Tell me what price can man pay to purchase a man, who was created in the image of God? Hast thou a different soul? *Is he not in all things thy equal?* There is neither bond nor free; all are one in Christ. We are all equal before Christ. What then is the gold you have paid for a child of God?"‡‡ So Lingard

* Sozomen, l. 1, c. 9.—Cod. Theod., l. 1., c. *De nis qui in eccl. manumit*

† Ibid l. 2.

‡ Ser. de diversis, 50.

§ Ser. de ch. mo l. 1.

‖ Neander, Hist. Chris. Re. and Ch. vol. 3, p. 99.

¶ Ibid.

** Murat Antiq. Ital, v. 1, p. 84.

†† See Life of St. Remigius.

‡‡ Life of Johannes Eleemosyn., by Leontius. Trans., by Anastasius in Actis.

refers to the divine influence of the Christian church in destroying slavery.*

I have already referred, in the preceding letter, to the efforts of Justinian to restore the fundamental law of society, by which all men are pronounced free. In 539 he determined by an edict that masters had no power to separate families in the sale of slaves, and that it was a crime.† And Gregory the Great pronounced it "a cruel evil," "a great crime," and declared a severe punishment upon the bishops who allowed it in their bishoprics.‡ Charlemagne issued a decree against it.§ And Constantine and Constantinus, both made the subjection of females to slavery a capital crime.‖

Gregory the Great was born in Rome, among the nobility, about 545. He filled for a time the office of prætor, and held numerous slaves. After his conversion, he abandoned his civil office, and devoted himself to the church. On the death of Pelagius II, he was chosen bishop of Rome. His heathenism and pride of superiority clung to him with great tenacity, notwithstanding he acknowledged the equal rights of mankind as recognized not only by the fundamental principles of the state, but by the Christian religion. On granting freedom to his slaves, he gave as his reason the consideration of what Christ had done, "that he might free us by his grace from the chains of bondage in which we were enthralled, and restore us to our original freedom. So a good and salutary thing is done," said he, "when men, *whom nature from the beginning created free*, and whom the customs of nations had subjected to the yoke of servitude, *are presented again with the freedom in which they were born.*"¶ He also admonished slaveholders that those they held in bondage were "*their equals*," that "by nature they were created upon a level with their slaves."** Still he favored making chattels of the *heathen*.††

---

* See his Ant. Anglo Saxon church, c. 1.
† Novell, 162, c. 3.
‡ Greg. l. 3, ind. 3, ch. 12.
§ Council of Chalons, Can. 30.
‖ Cod. Theod., l. 9, tit. 29, leg. 1, 5.
¶ Greg. Magn. op. Polguss., l. 4, c. 1, § 3.
** Postorulis Curae, 3, c 1, admon. 6.
†† See Greg. Mag., F. E. P., l. 10, ep. 52, and l. 2, ep. 39, and l. 5, ep. 34.

About the eighth century the old Roman slavery had been quite overthrown, but a new form had also been rising to take its place—that, consequent upon the wars of the "Barbarians." The good men of the church had this to contend with. I have already referred to the letter of St. Remigius to Clovis to induce him to exert his power and bestow his wealth in the cause of suffering captives. Nor did Clovis disregard altogether such admonitions; for he sent a circular letter to all the bishops in his dominions, in which he allowed them to give liberty to any of the captives he had taken, and thus save them from slavery.* A volume might be filled with the most interesting incidents, showing the noble exertions of the purest and best men of the church in that fearful period, against the barbarous institution.

What a beautiful example we have in the life of Cesarius in the sixth century! When the Franks and Burgundians laid seige to Arls, and a great many captives were brought into the city to be sold, this good christian hastened to the church, stripped all the silver ornaments from the pillars and railings, took the sacred vessels, the silver censers, chalices and all, for the relief of the captives and the freedom of those in bonds, saying,—"Our Lord celebrated his last supper in mean earthern dishes, not in plate, and we need not scruple to part with his vessels to ransom those he has redeemed with his life."†

There were Pharasees then, as now, who regarded such an act as a great sacrilege. The good man replied "I would fain know if those who censure what we do, would not be glad to be ransomed themselves in like manner, were the same misfortune to befall them."‡ The wiser and better men of the church always commended this. Lactantius said of it: "It is justice which the free owe to those in bonds."§ And again he says: "Justice teaches men to know God and to love men, to love and assist one another, *being all equally the children of God.*"‖

*Life of St. Remigius.
†Life of St. Cesarius.
‡Ibid.
§Lactant, Div. Just. p. 587.
‖Ibid.

This had been a frequent practice in the church. St. Ambrose ordered the priests to sell all the sacred vases in order to redeem slaves and set them free. "The Lord" said he "will say to us, 'why are so many unfortunate beings subject to slavery, even death, for want of being redeemed? Men are better worth preserving than metals.' What have you to reply? Must we deprive the temples of their ornaments? But the Lord will say—'It is not necessary that the sacred things be clothed in gold.'"* St. Augustine also practised the like thing repeatedly, and justified it as a duty the free owed to those in slavery.† If Christ could lay down his life for the redemption of mankind, how could the church refuse its treasures for the redemption of captives. Christ came to break the bonds in sunder and to let the captive go free. Nor did Augustine shun to rebuke the oppressors and enslavers of mankind. "Those are not *societies*" said he, "whose supreme law is not justice, they are only *magna latrocinia*, great confederacies of thieves or robbers. *Society cannot consist without justice.*"‡

There were christians in those days of peril, who did not fear to meet tyrants face to face. Death was no terror to them. They were ready to die for the oppressed. Many went so far as to enslave themselves for the freedom of others. They conferred not with flesh and blood. They took their lives in their hands and went out amid the barbarians to save humanity from degradation and miserable thraldom. Heaven was the only reward they expected. By their energy, countless slaves were made free. In the name of God and Christ and humanity they accosted the slave masters. St. Cyprian said to Demetrius the tryant, "You, man of a day, expect from your slave obedience. Is he less a man than you? By birth he is your equal. He is endowed with the same organs, with the same rea-

*St. Amb. Trent, de Offic, p. 103.

†Life of St. Augustine—Possid, vit. Aug. caput 24.—Cyril of Jerusalem taught the same. *Vide.* Theodoret, l. ii. c 27. Also, Acacius of Amida. *Vid.* Socrat, l. 7. c. 24.—So also Deigratias of Carthage. *Vid.*—Vict, de Persec. Vandal, l i.

‡August, de Civit, Dei. l. 4. c. 4.

soning soul, called to the same hopes, subject to the same laws of life in this and in the world to come. You subject him to your dominion. If he, as a man, disregard or forget your claim, what miseries you heap upon him. Impious master, pitiless despot! You spare neither blows nor whips, nor privations; you chastise him with hunger and thirst, you load him with chains, you incarcerate him within black walls; miserable man! While you thus maintain your despotism over a man, you are not willing to recognize the Master and Lord of all men."*

How does this compare with the "South side view of slavery," with the letter of a "northern presbyter," with the reasoning of Dr. Blagden. "Both religion and humanity" said Cyprian, "make it a duty for us to work for the deliverance of the captive. It is Christ himself whom we ought to consider in our captive brothers."† Not so! Not so! cry our new light doctors of divinity. "Religion makes it our duty to aid the oppressor, to return the captive to bonds and stripes; and as for humanity, that is only the foam and froth in the boiling pot of society. So these fine doctors of to day, advocate the superiority of barbarism, repeat the creed of old tyrants, take the side of heathenism and atheism against christianity, while yet they pretend to be christians. They would send their mothers into slavery if they had been born under a task-master and the tyrant demanded the sacrifice; for "this" say they, "is law and order." Such law and order, gentlemen, as sunk Greece, buried Rome, plunged mankind into palpable night, extinguishing the last taper of science and the last star of hope.

*St. Cyp. t. v. Dernet.
†St. Cyprian to the Bishop of Numidia.

LETTER IV.

Feudalism originated as a protective system. The equal rights of the people were to be sacredly regarded. Justice was recognized as the basis. The people entrusted their rights in the hands of chieftains. They, in turn, solemnly pledged themselves to protect those rights with the aid of the people themselves. The leaders took advantage of the power they found in their hands to enslave their subjects. What had been a mere conditional trust they gradually assumed as an unconditional right. Instead of being magistrates and protectors, they became oppressive robbers, cruel task-masters. The people degenerated into slaves. As this dreadful state of things progressed over Europe, the blackness of night settled down upon all nations. The elements of society were dissolved. Even those who flattered themselves with the name of freemen were, like the free blacks of the Southern States, but a slight remove from absolute slavery. Knowledge fled. Master and slave were alike benighted and beastly. The tenant could not dispose of the effects of his own industry,* and he buried his talents and turned his hands to villany. He was forbidden to marry without purchasing the consent of his petty tyrant,† and he stole connections without regard to primal law. He was forbidden to marry beyond the limits of his nabob's dominions.‡ He was thus degraded in all respects as a man.

Black and revolting as feudal slavery was, however, it was a virtuous institution compared with the slavery of the Southern States of America. Not, indeed, in all history—not in the darkest days of ancient barbarism, can be found

* Ducherii Spicel. tom. xi. 374, 375.

† Murat, Ant. Ital. vol. 4, p. 20. Ord. des Rois de France, tom. i. p. 22. Tom. iii. p. 203.

‡ Hist. de Dauphine, tom. i. p. 81.

a system of despotism so utterly destitute of one redeeming quality as that of American bondage. Even in the worst days of Roman and European slavery, the miserable wretches were not forbidden to acquire knowledge. Some Roman slaves were eminently learned. No special measures were instituted to prevent bondmen from becoming noble specimens of humanity. Thus heathen barbarism was more Christian in its system of slavery than the Christian barbarism in America. You, sirs, resort to the most diabolical measures to crush the minds out of the human beings you enslave. Where was despotism ever found equal to the present educational laws of Virginia!*

In the European slavery in its worst days, a slave on taking holy orders became free.† American slaves, on becoming ministers of Christ, are still held slaves. So on any agreeable event, European princes used to testify their gratitude by enfranchising great numbers of slaves.‡ But when to you has ever come the occasion that brought with it such gratitude to God? So the Christian Church, as I have already shown, regarded it as a mark of the purest religious fervor for a master to manumit his slaves§ without pecuniary considerations; while your church makes slavery a virtue—a divine right, and freeing men from bondage, a vice—a sin.

In the darkest period of European history, there were some men who violently opposed freeing slaves. "It is *dangerous*," said they.‖ Fools! dangerous to whom? to society? As if a band of robbers were a society! Does the existence of society depend upon the smallest possible amount of freedom, and the greatest possible amount of slavery?

This, sirs, is your cry—"danger to society!" This is your plea for not favoring manumissions. As if freedom were a greater evil to society than slavery; as if society could be preserved by slavery, and annihilated by every

* See Educational Laws of Virginia. Boston: Jewett & Co.
† Murat, Ant. p. 842.
‡ Marculsi Form, l. 1, c. 39.
§ Ibid, l. 2, c. 23, 33, 34.
‖ Potgiess, l. iv. 2, 2, § 6. Morice, Mem. pour serv. preuves à Phist. de Bret. tom. ii. p. 100.

man enjoying his absolute rights;—as if the fundamental principles of society are not in reality identical with the primal rights of all men.

The fundamental law of society—equal human rights—was urged in Spain against slavery in the eighth century with much energy and effect,* and by the fourteenth century nearly every civil society in Europe had gone far towards universal emancipation. Kings were not unwilling to declare the equal rights of their enslaved subjects, and to exert themselves for the overthrow of domestic bondage. The school-men every where discussed the natural and inherent rights of the people, and the light which they shed upon this subject had no inconsiderable influence in preparing even the minds of princes for the great change.

In the year 1315, Louis X. of France, issued an edict for the abolition of slavery and the enfranchisement of the people. This noble document is a standing reproach to *republican* despots. "*As all men are by nature free born*," said the French King, "and as this kingdom is called the Kingdom of Franks, [freemen] it shall be so in reality. It is therefore decreed that enfranchisements shall be granted throughout the whole kingdom upon just and reasonable conditions."† Three years after, Philip, the brother of Louis, confirmed the same edict.‡

Ah, sirs! when a long inactive law of nature springs into energy in the midst of confusion and disorder, how admirable is it to see order and beauty spring up with it! The enslaved people of France, without a center of action, had lived without unity, without public spirit, in factional divisions, without society, degraded.

The revival of this fundamental law quickened, as by an electric flash, the central energies of the nation. The heart of France beat with new life; the dissociated elements began to coalesce in crystaline order. New organic parts started into form. Sirs! when has not liberty been the greatest boon to a people? When has not slavery been their greatest curse?

---

* Bodin de Repub., c. 5.
† Ordon, tom. i. p. 583.
‡ Ibid, p. 653.

Louis X. and his brother Philip are not the only princes who have acknowledged the natural liberty and equality of all men. Frederic II. was one of those honest and true noblemen, who, scoffing at the arrogance of bloated aristocracy, and the bigoted pride of kings, confessed the grand law that mankind were created equal and free.*

How important the fact, that the best minds in all ages have recognized this principle of nature! How significant that despotism has ever denied it, and has ever been at war with it!—that only tyrants, and robbers should have the disposition to oppose this self-evident truth! What a lesson! that tyrants in Greece triumphed over it, and sunk the nation into barbarism!—that slaveholders trampled upon it in Rome, and drove liberty and virtue forever from the eternal city. How impressive, that the lords of Europe waged war against it, and converted all that had been called society into a mass of moral putridity—black and loathsome! How beautiful, that while the church fostered and preserved it as a divine principle, it in turn preserved her, and gave her the love and reverence of humanity!

When it was once more revived in the hearts of the nations—when it had roused and quickened the consciences of kings—when it had become enthroned in the courts of judicature, and was felt as the law of the twelve peers—how soon did slavery and anarchy and disorder vanish, and the new light of civilization arise!

In France, all the noted writers on law, at an early period, decided that slavery was contrary to the common law,† and that no slave could touch French soil without instantly becoming a freeman. Even a foreign ambassador was not allowed to hold a man in involuntary servitude. The slave of a Spanish minister was pronounced a freeman by the French judges. Nor could the distinguished position of the claimant have any influence upon the court to allow his claim.‡ Some complained of this want of respect to his office and rank,§ though the correctness of the

* See Bancroft's Hist. U. S., vol. v. p. 7.
† Hargrave, in the case of Somerset.
‡ See Badin de Repub., l. 1, c. 5.
§ Kircher, de Legat., l. 2, c. 1, n. 233. Binkershock Juge compet. des. Amb., ed. par Barbyr, c. 15, s. 3.

principle was universally conceded. The Dutch States, in a similar case, allowed this law of society to be trampled upon, out of respect to the minister of a foreign court,* and received hisses for their pusillanimity.

That policy creates only contempt which tamely allows injustice out of respect to empty titles or any other matter of accident. France respected herself, and sustained her law of personal rights; and she had the respect of the world. The Northern States of the American Union are bound to maintain as sacred the same eternal law. It is the fundamental principle of their constitutions. But they have deserted that, for the defence and perpetuity of which Whig fathers labored, suffered, and died. This law has been deserted by the North, not out of respect to the claims of foreign ministers, but to satisfy the demands of petty tyrants—plantation masters; and at how great a cost!

In England the battle against slavery was long and arduous, sometimes extremely bloody; for the pro-slavery party was always active, and consisted of the most unprincipled men of the kingdom. They fought against the fundamental law of society, in order to maintain their own unjust assumptions. The friends of justice and freedom improved every advantage to give supremacy to this law and to overthrow slavery. No man was allowed to be tried on a question involving his personal rights without a jury of twelve men. No claimant of a slave could touch the man till twelve peers had set in judgment upon the case; and they were always, when fairly chosen, on the side of freedom. It was by the institution of jury trial that slavery was completely annihilated. Laws, too, were enacted by Parliament for increasing the advantages in favor of freedom,† though not without the most strenuous opposition of the slavemasters. Many were manumitted by positive enactments in the days of Edward I.‡ Every possible legal obstruction was thrown in the way of the claimant, whilst all possible advantage was given to the alleged

* Wicquefort's Ambass., p. 268.

† Co. Litt. 139.—Fitzh. Nat. Br. 78, C. D. 13th Edw. 2, 408. Litt. s. 20—209, & 2 Ro. Abr. 735-737.

‡ Britt. Cap. 31.—Mirror of Justice, c. 2, s. 38.

slave.* If the nabob failed to prove his claim clearly, decidedly, against all possible doubts thrown in on the side of liberty, he was amerced.† How different is that from the manner in which slavery is treated in this boasting land of freedom. Shame on this boast! Ye are worse than barbarians.

Even as early as 1102, shortly after the accession of Henry I. of England, the anti-slavery spirit was so strong in that nation, that, in a national ecclesiastical council, held at Westminster, under Anselm, "it was forbidden to sell men like cattle, which had been too generally practised in England,"‡ especially since the conquest of William of Normandy. Here it is important to remark, that this conqueror, or robber, on gaining possession of England, attempted a regular system of slavery. He was prevented from fully carrying out his purpose only by the resolute resistance of the Saxons. He attempted, by overthrowing the fundamental principles of government, and by setting up an arbitrary and despotic system, to reduce the Saxons to the condition of abject servitude to himself and to his Norman lords. Henry I., on taking the throne, promised the people their natural rights. To make sure of that, they required him to give them a charter of those rights and his solemn oath to maintain it. He complied. This charter of English liberties was regarded as the law of the land. It recognized the great primal law of nature, guaranteed justice and right to every man, and prepared the way for the total abolition of slavery in the kingdom.

Seventy years after, the great synod of Ireland denounced the "slave trade in which the Irish had made bond slaves of the English, contrary to the right of Christian freedom;" declaring, also, that "they had purchased of robbers and pirates, as well as of merchants—a crime for which God took vengeance upon the nation by delivering them into like bondage;" and therefore "*unanimously decreed and ordained, that all the English throughout Ire-*

* Britt., Wing ed., c. 31, p. 78.—Rast. ent. tit. Homine Replegiando, 373. Lib. Inst. 56.

† Fitzh. Arb. Villen. 38.

‡ Vid. Butler's Lives.—*Anselm.*

*land, in a state of slavery, should be restored to their natural freedom."** Thus Ireland has the honor of the first general emancipation act known in history.

There is nothing more marked in the history of English jurisprudence than the fact, that, up to the time of the bloody Stuarts, the courts of justice presumed in favor of liberty in the trial of the claims of slavemasters.† A fugitive claimed by the master had the right of *Habeas Corpus* and *Homine Replegiando.*‡ The latter gave great advantage to freedom.

How much different is all that from the course pursued in this boasting land of democracy! Here, slave-masters rule the courts, and convert the temples of justice into slave-pens. Every advantage is given to the claims of the petty tyrant. Instead of a jury of twelve men, a commissioner is appointed, in mockery of justice, and he is paid a premium for deciding in favor of slavery. Ah, sirs, what a difference is that! How infamous! How barbarous! The English law said, "Impious and cruel is he to be esteemed who favors not liberty."§ But you make American law to say, "Impious and accursed shall he be esteemed who favors not slavery." "Justice must be done to every man," says the English law,‖ "Not so," say you; "justice shall not be done to every man. Four millions of men, women and children shall be denied justice. They shall be held in eternal bondage, though innocent of crime." "A bad custom or usage is to be abolished," said the English law;¶ and away went slavery. "Not so," say you; "that principle would ruin America. Bad customs are to be fostered and nursed," as Greece and Rome nursed slavery till it had destroyed both.

Slavery originated in the barbarism of war and piracy. It exists by no other claim than that of the freebooter.

---

* Vid. Moore's Hist. Ireland, vol. 2. p. 232. Chronica Hiberniæ. Cott. Lib Dom. A. 18. Stephens' West Ind. Slav., vol. 1, p. 6.

† Vid. Lib. Instrut., 176 a 177, b. & Bro. Arb. Vil. 66.—47, Hen. 3. St. Dev. Fitz. Arb., vil. 39.

‡ Ibid. Also Fitzh. N.Br. 66, & Lib. Instrut. 176 a. 177-6.

§ Cod. Lit., 124.

‖ Jenk Cent., 93.

¶ Cod. Lit., 141.

The laws of all Christendom denounce that a capital crime. The laws of the United States so regard the first act of enslaving men. They pronounce it piracy; why? Manifestly because it is impossible to regard it in any other light, for the plain reason that the law of nature—the laws of all nations—regard every man as possessing absolute rights, of which, to attempt to deprive him by force, is robbery and murder—a crime against society and against God.

The primal law of society, then, is supreme. It is the highest law, and its violation is the highest crime against society. Nothing can be lawful and right that makes war upon that. All enactments, to be law, must harmonize with it. To enforce an opposing enactment is suicidal, destructive of all government. Hence slavery can never be sanctioned by society. It can be supported, not by government, but only by a band of robbers in the name of government. Human rights are divine. That which is at war with those rights is not of God, but of the Devil. It was legitimate law which overthrew European slavery; while bastard law, diabolical edicts, sham legislation, attempted to sustain it. God and the people were against the Devil and the tyrants. The latter were defeated. But here you are, sirs, in the nineteenth century, defending pirates, robbers, despots, and the Devil; making war against the Almighty and the people's rights. Do you expect to triumph? "The day cometh that shall burn as an oven."

LETTER V.

It has been seen that just when the old Roman slavery was being destroyed, the feudal slavery of the middle ages arose. Alas! that just when this latter was expiring throughout Europe, under the powerful influence of the natural law of society, another and a still more horrid form of this monster should arise—the bondage of the African.

But little more than a century had passed after Louis X. and his brother Philip, of France, had decreed that "as all men are by nature free born," enfranchisements should be granted throughout the whole kingdom upon just and reasonable conditions; when popes Martin V., Eugene IV., Nicholas V., Calixtus III., and Sextus IV.,* assumed the right in the name of God and Christ to grant power to the kings and princes of Portugal to enslave the poor Africans.

This was not the first attempt of the popes to give an open and direct sanction to involuntary bondage. It would not have answered for them to have made even this attempt of enslaving the Africans, without the specious pretext that their purpose was the conversion of these heathen. The bulls however expressly granted the right of robbery and murder thus:—"*to appropriate the kingdoms, goods, and possessions* of all infidels or heathen in Africa, or wheresoever found," *to reduce their persons to perpetual slavery*, or to destroy them from the earth,"—"*to take any of the Guineans, or other negroes*, BY FORCE *or* BY BARTER."†

Thus modern negro slavery had its origin in the bulls of five Roman popes, in the most corrupt age of the church. Such, then, gentlemen, is the origin of your beautiful, your

* The following are the dates of these bulls, 1430, 1438, 1454, 1458, 1484. Vid. Colonia Anglicanæ Illustratæ. By Wm. Bollan, Lond. 1762. Part I, pp. 115—141.

† Ibid.

virtuous, your "peculiar institution" at the South. How charmingly you and the popes have met together, and I shall soon show how you and the Tories kiss each other.

It is a notorious fact that the popes generally, from a very early period, had been on the side of slavery. Leo IX., in 1051, condemned the mistresses of the priests to a state of absolute slavery.* So Gregory XI., in his bull against the Florentines in 1376, declared their property to be at the mercy of any who wished to rob them, and exhorted the world to seize their person wherever found, and reduce them to absolute slavery.†

Between the bull of Calixtus III., in 1458, and that of Sextus IV., in 1484, granting the right to enslave the Africans, a bull was issued by Pius II., in 1462 in which this pope remonstrated against the Portuguese enslaving *the Christians.* But not one word does he utter against enslaving the poor heathen in Africa.

The first pope who took any direct steps to suppress African slavery in the Romish church, was Gregory XVI., in 1839. And though he quotes the precedence of other popes, yet I find none of them he refers to, issued any bull against African slavery. He refers to Pius VII., as opposing the slave trade, but it was not the *African* slave trade. He refers to Paul III. But Paul III. only condemned the slavery of the Indians. Though it is due to say that some declare he imprecated a curse on those who should enslave *any class of men.*‡ So Urban VIII., in 1639, is referred to.§ But his bull was only against enslaving the western and southern Indians. Likewise Benedict XIV. is cited.‖ But his bull was intended for the suppression of Indian slavery in Brazil, Paragua, &c.

All these popes denounce the slavery of the poor American Indians in no measured terms. Why? Slavery was complained of by the Jesuits as a monstrous barrier to the

---

* Bower, vol. 1, p. 183. Also Herman. *ad an*, 1051.

† Ibid., vol. 7, p. 23.

‡ Vid. Remusal. Hist. de Chippa fl. 3, c. 16.

§ Bullarum. Prin. Diplo. Rom. Col. Tom. VI. P. I. and II., p. 183. DCIV.

‖ Sanct. Dom. Nos. Ben. Pap. 14, Bull. Tom. 1, p. 44, XXXVII.

conversion of the Indians to the church. It was found that if the church allowed the Indians to be enslaved by those of her own communion, the Indians would despise the church, and close their ears to her teachers. Therefore the popes issued their bulls against their being made slaves. But not one specific bull was aimed at African slavery until that of Gregory XVI., in 1839. True, Bancroft says, "Leo X. declared that not only the Christian religion, but nature herself cried out against the state of slavery."* But why did not this pope with others exert the same efficient power in the suppression of African as of Indian slavery? Why was the church allowed to buy and sell Africans, while it was not allowed to buy and sell Christians and Indians? Why should five popes say to the barbarous Portuguese, "You, gentlemen princes of the church, may make war upon the unoffending Africans; you may *appropriate their kingdoms, goods, and possessions;* you may *reduce their persons to perpetual slavery,* or destroy them from the earth; you may *take any of the Guineans or other negroes* BY FORCE *or* BY BARTER?" Was it not because the church had become corrupt? Was it not that popes had become presumptuous despots, assuming to dispose of rights that belonged solely to Almighty God?

Such, sir, is the origin of negro slavery. The bulls of five pontifical despots, assuming to annihilate eternal justice, and to break the moral bonds which bind the human race together in one brotherhood. This is the origin of your darling institution of negro slavery,—five bulls of five popes. Such is the basis—the primary foundation of your peculiar institution, you can find no authority beyond those bulls. You go to the bible, it is true, but not to support *negro* slavery. That knows no difference between the Ethiopian and the Caucasian. If it sanctions any slavery, it sanctions the slavery of the white,—of native white Americans, as much as the native black Americans. It is solely the authority of five despotic, corrupt popes, in the worst age of the church, that furnishes you specific rights to enslave the children of Africa. It is authority granted in an age when the church had become a mass of corruption

* Bancroft's Hist. U. S., vol. 1, p. 172.

you must rely upon that for the support of your southern institution. Abandon that and you have no other, but the second hand authority of the tory despotism of the Stuarts. Abandon that and you have no alternative but to confess yourselves, original tyrants, though humble imitators of infamous popes and impious tories.

But you cannot escape the odium that comes by the knowledge of the fact, that, negro slavery has no other specific sanction but the bulls of five wicked popes, and the Stuart despots.

Besides, sirs, reflect, that the same corruptions of the Romish church that allowed and sanctioned the slavery of the Africans, sanctioned other crimes, and that these forced the Protestant reformation. Reflect, that in justifying African slavery you are obliged to make use of popish sophistries, against protestant principles. Protestantism is, legitimately, the declaration of human rights against popish despotism. Popish despotism established negro slavery. Protestantism, in denying the despotism of the popes denounces negro slavery. No man then, is a legitimate protestant who lends his sanction to this infamous system.

When the reformation broke out, the protestants renouncing the rights of popish despotism, openly and boldly asserted, what good men of the church had always asserted—the rights of human nature, and they denounced slavery. The same vicious power which had set up the institution of negro slavery had developed itself in those other forms of disgusting oppression which necessitated a revolution. Hence negro slavery in America is one of those putrescent remains of popish assumption which drove, with disgust, the best men of the church to hurl their protests at the Vatican.

The reformers, planting themselves upon the unchangeable law of right, denounced the injustice of oppression in words that shook the eternal city, and every despot's throne in Europe. The popes justified the tyrannical ordinances of the civil power. But Luther declared that "unjust violence is by no means the ordinance of God, and therefore could bind no one in conscience and right to obey, whether the command came from pope, emperor, king or master."*

*Selden, com. l. 18.

So was slavery denounced by Zumglius, the bold Switz. He considered that St. Paul opposed slavery in saying,—"but if thou mayest be free, use it rather."* This noble Switz had a singular idea of the divine purpose of slavery. He looked upon it as the worst of punishments inflicted upon *those who were so sinful as to allow themselves to be oppressed.*† Sir Robert Filmer, the arch tory, in the reign of Charles I. says, "Calvin *squinted*"‡ so strongly towards the doctrine of the absolute equality of all men as to be one of the heretical founders of Genevan Republicanism. Bishop Jewell represents Luther and Melancthon as teaching the natural and equal rights of mankind, and the right to defend ones self by all righteous means against oppression, as did David against Saul;—that is "by avoiding the power of the tyrant,"§ and St. Augustine was quoted to the same purpose.‖ Thus Protestantism would help the slave to regain his liberty by encouraging him to fly from his tyrant. *It can offer no aid to the oppressor.*

According to Selden (if I mistake not) Luther at one time was impressed that the gospel was opposed to civil government, as the latter appeared to be the enemy of human rights and equal justice, and to be in a constant "struggle against doing justice to the subjects," and seemed "to labor wholly to amass power for enslaving mankind." Many other good men have been forced to the same conclusion, from the same circumstances. Luther lived to correct his mistake. He saw that tyranny is not government, but the assumption of the powers of it without its spirit—equal justice. He saw, as every good and wise man will, that legitimate government, is ordained of God for the sole purpose of protecting the absolute and common rights of mankind, and that whatever sets itself up in the name of civil government under whatever form, without this one grand purpose, is not a legitimate outberth from the deity

*See Judgment of Whole Kingdoms and Nations, by John Lord Somers, Phil. ed. p. 134.

†Opus Articulorum Art. 40 42.

‡See Filmer's "Patriarcha," 1685, p. 5.

§See Jewell's "Defence of the Apology," p. 16.

‖August. in Ps. 124.

through the people, but the bastard of Satan begotten upon fear.

The crime of enslaving the Africans was pursued by the Portugues in their African dominions for about three quarters of a century before they commenced the importation of slaves to America to supply the Spaniards in Hispaniola. This infamous work commenced in 1508.* The soul of Charles V. revolted at the idea of reducing the "image of God" to the condition of a brute, and in 1540, under a noble incitement, ordered all the slaves in the American Isles to he set free. Lagasca the governor, obeyed, but soon returned to Spain with such a tale for the Emperor as induced him to consent to the re-establishment of this crime.† Gold is an argument which princes seldom oppose long. The French king shed some tears when some of his unprincipled aristocracy joined the Spaniards and Portugues in the barter of human flesh. He had the principle of man in him and it revolted at the thought of such a crime, but he gave way to other influences.

And here let me link two parts of the French chain in the matter of slavery, and show you at the same time the primal law of society in its warfare against this crime of crimes. I have shown that the principle that "*all men are born free*," was that by which slavery in France was abolished. Now, it so happened that at the time negro slavery was introduced and established in the French colonies, contrary to the primary law of the French nation, she had quite sunk into a state of despotism. The kings had abandoned justice as the rule of civil power. They issued edicts permitting and sanctioning the trade in human flesh. They laid down their regulations with regard to this "property in man."‡ This was at the moment when the infamous house of Stuart was crushing the liberties of England, and laboring to re-establish slavery through the British dominions. Contrary to the fundamental law of France, her kings, instigated by their corrupt lords, granted

*Ander. Hist. comm. 6, p. 336.

†Bodin de repub. l. 1, c. 5.

‡ Two edicts to this effect in 1615, 1685. Vid. Decis. Nouv. par. M. Denisart, Tit. Negroes.

permission for the introduction of slavery into France from her American islands.*

The parliament of Paris had not lost all sense of right and propriety. It had the soul to make some resistance to this despotism, but not by very open measures. "They did consider," says Denisart, "that the edicts of the king for the introduction of slavery," "*was opposed to the common law of the kingdom,*" and therefore they "*refused to allow the edicts to be recorded.*"†

Thus was it declared by the parliament of Paris, some four hundred years after Louis X. proclaimed that "all men are by nature born free," and therefore that slavery is unlawful—that involuntary bondage "was opposed to the common law of the kingdom." In spite of this, however, the base and infamous men of the nation were determined, under the sanction of the king's edicts, to bring in negro slavery. The friends of justice were, on the other hand, too vigilant and determined to allow it. Every case of a slave they could find, was brought to trial, and the judges decided in favor of the *common law of society*, the universal right to personal freedom‡ Thus you see once more, sirs, that the personal right of every man to freedom is the fundamental law of society—that slavery is opposed to the common law, and has been pronounced to be so by the highest authorities.

I have already shown that the same law acted in England to the overthrow of slavery. The last cases of slavery were decided in the reign of Elizabeth§ and James I.‖ There were men who were now determined in England to set up the new slavery at all hazards. In order to effect this, they found it necessary to overthrow the constitution, and to make a clean sweep of the fundamental principles of society. It had been attempted in the reign of Elizabeth to introduce slaves from Russia.¶ A lucky circumstance

* This edict in 1716, another in 1778. Ibid, § 27.

† See M. Denisart, as already cited.

‡ See Causes Celebres, Vol. 13, p. 492. Also Nouvelles Decis., par M. Denisart, Neg.

§ See Sir Thomas Smith's Commonwealth, B. 2, c. 10. Dyre, 266, pl. 11.—283, pl. 32.

‖ Co. Entr. 406, 6. Hughes' Abridgment, tit. Villen, pl. 23.

¶ Rushworth's Hist. Coll., vol. 2, p. 468.

brought the case to light in a manner which gave triumph to freedom.

A change, however, was coming over the English nation. The friends of tyranny at court sanctioned the introduction of slavery into the colonies; and under Charles I., a system of tyranny was developing itself for the absolute slavery of the nation. The people were roused, and Charles lost his head for his despotism. This was but a momentary triumph. The means used by the Protector for preserving what had been gained, introduced another form of despotism. The friends of absolute slavery took advantage of it for regaining their lost power. They restored Charles II. to the throne, secured themselves in places of the government, and trampling upon the fundamental law of the realm, decided in the court of the king's bench in favor of negro slavery, the right of holding property in man.* The infamous Jeffries was the leading spirit of this tory court. Hence this court of king's bench decided, "that negroes, being usually bought and sold amongst merchants, and being infidels,† there might be a property in them sufficient to maintain the action, and judgment, *nisi*, was given in favor of holding negro slaves in England.

Thus under the worst despotism England ever knew, the same brutal power that set at defiance the rights of the English people, that trampled upon the liberties and laws of the nation, that murdered in cool blood the friends of freedom, was the first that attempted to legalize the new slavery in the British Kingdom, the first of the English nation to side with the popes in the sanction of the trade in human flesh.

The English party of despotism received the name of tory, while that of France was called jacobin. Both were in secret league with the pope, and controled by the worst characters among the Jesuits. On the settlement of the southern colonies this school had the ascendency in England, except during the control of Parliament and the pro-

* 2 Lev. 201, and 3 Keb. 785. Vide Hill. 29 Cha. II. B. R. Rot. 1116. This was an action of trover for 10 negroes.

† This like the same in bulls of the popes was to hoodwink Christian people.

tectorship of Cromwell, at which time great numbers of the tories came to America, and settled in Virginia. Hence I find on comparing the present doctrines of your school with those held by the tories of that period respecting government, the rights of man and slavery, that *you occupy their ground.*

In the next letter I shall make this matter a little plainer.

LETTER VI.

How terrible has been the contest between principle and lust in all ages of the world! Vicious men, reckless of the laws of God, supremely devoted to their own passions, have rapaciously seized upon the rights of mankind, and plundered society of its unity and peace. To preserve any part of its existence, the civil organism has been forced to a bloody warfare, which has always ended in the death of the old form.

Strange that, in the nineteenth century, when every man has the history of the world before his eyes, and a thousand travelers in the orient tell the same melancholy tale of the ruins of ancient nations, destroyed by despotism, and whose desolations forewarn America of the deadly effects of slavery—strange, in view of this, that there should be a party in this new world so corrupt, so base, as to plunge the people into that terrible contest so often and so fatally repeated in the old world!

Upon whom rests the fearful respsibility of the war upon which America has now entered? Who is the aggressor? Society is bound to preserve itself. It can exist only by virtue of the "Higher Law." That law you scorn and trample upon. You make war upon legitimate government, dethrone justice uproot the fundamental principles of sociy, and overthrow the defences and superstructures of freedom. Why this onslaught? What is your purpose? Is it not that you may enslave the nation? Is it not that you may preserve an accursed system of bondage in which you already pride yourselves as masters? Is it not that you may extend to infinity the despotic power you already find yourseves in possession of?

I have shown the pro-slavery school of every age to have been at war with society, and I have shown so far,

the fatal results of their triumph. It has been seen that whenever and wherever your principles have prevailed, civilization has been destroyed, and anarchy, corruption, civil war and barbarism have followed. Liberty, sirs, is the sister of virtue, the banishment of the one is the loss of the other.

It is self-evident that justice is the basis of all legitimate governments, whatever be their form. This is recognized even in the government of the Hindoos. "When justice," says the laws of Manu,* "having been wounded by iniquity, approaches the court and the judges extract not the dart, they shall be wounded by it." "When justice is destroyed by iniquity, and truth by false evidence, the judges who basely look on without giving redress, shall also be destroyed." "Justice being destroyed will destroy; being preserved will preserve. Beware, O judge! lest justice being overturned, overturn *both* us and thyself." "A king who inflicts punishment on such as deserve it not, and inflicts no punishment on such as deserve it, brings infamy on himself, while he lives, and shall sink when he dies, to a region of torment."

According to the fundamental law of the Hindoo people, slavery could have no legal existence among them. The learned commentator on the voyage of Nearchus, has concluded, that among the East Indians there was no slavery properly so called, though the people were divided into castes.† Alexander, the Great Robber, was the first to institute slavery in India. He condemned whole communities of people to perpetual bondage.‡

All noted writers on China agree that slavery had no existence among that people till a modern date, and that it is even now mostly of a voluntary character; involuntary servitude being a violation of the fundamental law of the empire.

The primal law of India declared that "what is given *by force*, and all other things *done by force, or against free consent, is pronounced void.*"§ This was an eternal prohi-

* Sir William Jones' Works, vol. 3, p. 299. Inst. Hindoo Law.
† See Mitford's Greece, vol. 8, p. 426.
‡ Ibid.
§ Sir William Jones' Works, vol. 3. Inst. Hindoo Law, § 168.

bition of involuntary bondage. This law is of very ancient origin. The nearer we approach the primitive period of a nation, the less evidence do we find of slavery. Tradition in the age of Herodotus preserved the memory of a time when slavery was unknown in Greece.* Sparta broke loose from law, and as a band of robbers enslaved the Helots; and Pliny says of them, "they were the first to invent slavery in Greece."†

The universally acknowledged right of self-defence, is a universal acknowledgment of the unrighteousness of slavery. St. Germain said, "Every man hath right and title to have what he hath righteously, and of the right-wise judgment of the first reason *which is the eternal law.*"‡ Against *this* law, prescription, statutes and customs may not prevail, and if any be brought in against it, they be not prescriptions, statutes nor customs, but things void and against justice. And all other laws, as well the laws of God in regard to the acts of men, as others, be grounded thereupon."§

So St. Augustine said, "In temporal laws nothing is righteous nor lawful, but that the people have derived to themselves out of the *Law Eternal.*"‖

But the pro-slavery school in every age of the world have been at war with this "Law Eternal." You, sirs, have set up this infamous claim in America—that you have a right to establish a legislation in defiance of justice, at war with human rights, destructive of liberty, and overwhelming the nation with beastly servitude. You claim the right to drag America from freedom, justice and brotherhood into slavery, anarchy, and civil strife; from civilization and Christianity into barbarism and the blackest heathenism. "Every good law," says St. Bridget,¶ "is ordained to the health of the soul, and to the fulfilling of the laws of God." But you would curse the land with despotism, and slavery in the name of law. You would

* Herodot. lib. 6, p. 137.
† Nat. Hist. lib. 7, c. 57.
‡ Doct. et Stud. D. 1, c. 1.
§ Ibid.
‖ Free Arbit. l. 1.
¶ Lib. 4, c. 129.

set up Satan as the god of America, and enact vice into virtue, and establish iniquity by statute. "Every man's law," says Cancrer,* "must be consonant to the law of God. And therefore neither the laws of princes, the commands of prelates, the statutes of commonalities, nor the ordinances of the church, can be righteous or obligatory, unless they be consonant to the law of God."

Had the pro-slavery school in England prevailed as the same school prevailed in Greece and Rome, that nation would long before this have been plunged into loathsome barbarism. The law of nature by which all men are born free, was not only recognized in the common law of the English realm, but it ever had a strong party to sustain it; men who were ready to die in its defence. How many martyrs sacrificed their lives to sustain it? "This *law of nature*," said the highest judges of England, "is a part of the law of England."† And "whatever is necessary and profitable for the preservation of the society of man *is due by the law of nature*."‡

In the fifth year of the reign of Edward VI., of England, an attempt was made by the corrupt aristocracy, to create slavery by legislation. Parliament went so far in this path of infamy, as to pass an act enslaving vagabonds for a term of years,§ and as a penalty for acts of violence in resisting, or in revenge, the miserable creatures were to be reduced to *perpetual* slavery, or murdered.‖ This barbarous enactment created a powerful excitement throughout the whole kingdom. It was a violation of the natural law of the realm. It trampled upon the common law of society. Nor would the people allow its execution. The judges knew they could not sustain its execution. Not an impartial jury could be found that would not pronounce against it. Nor would the people allow it to remain on the statute book. Two years after its enactment, the king prorogued parliament, and they, acting under the special instructions

* As quoted by St. Germain. Vid. Doct. et Stud. D. 1, c. 4.
† See Coke's 7 Rep. p. 12.
‡ Ibid., p. 13.
§ Vid. Statutes at Large, vol. 9. Ap. p. 143-4.
‖ Ibid.

of their constituents, declared that "the act concerning idle persons and vagabonds, in certain cases, to be made slaves of, &c., ... shall be from henceforth utterly repealed, made frustrate, void, and of none effect."*

It was thus that the English people beat back the attempts of the bloated aristocracy to re-establish domestic slavery among them. They would not have even vagabonds made slaves of. "It could not have been compassion for the culprits that excited this aversion to the law," said Hon. Wm. Pinkney in the House of Delegates of Maryland, in 1789, alluding to this odious enactment, in his masterly speech against southern slavery. "The spirit of the people," he adds, "could not brook the idea of bondage, even as a penalty judicially inflicted. They dreaded its consequences; they abhored its example; in a word, they reverenced public liberty, and hence detested every species of slavery." "The general voice of the nation demanded the repeal of this slave statute of Edward VI."† and it was repealed.

England always had two opposite political schools, the one pro-slavery; the other, the "Higher Law," or liberty school. The former opposed the charter of rights, and embraced every opportunity to trample it in the dust. They consisted of the most corrupt and unprincipled, proud and overbearing men of the nation. This party gained the control under the bloody Stuarts. They were determined, as already shown, to establish slavery. Under Charles II., they had gained a decision from the judges on the king's bench, in favor of chattel slavery. They advocated the despotism of the king. Speaking of them, John Locke said: "In this last age, a generation of men has sprung up amongst us, that would flatter princes with an opinion that they have a divine right to absolute power. To make way for this doctrine, *they have denied mankind a right to natural freedom*, whereby they have as much as in them lies,

* Ibid., p. 155.

† See the speech of Hon. William Pinkney, in the Maryland House of Delegates, in its session in November, 1789. In this speech the spirit of whig fathers against slavery is seen.

exposed all subjects to the utmost misery of tyranny and oppression."*

These men were at first called Cavaliers, and then received the name of *Tories*—an appellation by which a band of robbers in Ireland were known at that time. It was applied to the cavaliers, as they advocated pro-slavery doctrine—the right of their party to rob and enslave their fellow-men. Our good whig fathers gave the same distinguishing title to the pro-slavery school during the Revolution.

The English tories published several works in support of their pro-slavery principles; to which you seem to be largely indebted, sirs, for your political doctrines. The most notorious of these works were those of Sir Robert Filmer—such as his "Anarchy of a Limited and Mixed Monarchy," and his "Petriarcha." The latter was for some time circulated in manuscript, and was carefully excluded from the eyes of the opposite party on account of the execrable character of its doctrines. It was finally discovered by one of the noblest among the friends of freedom—Algenon Sidney,† who immediately set himself to work to expose its infamous libels upon human nature. For this labor the noble Sidney was condemned by the same judges who sanctioned the trade in Africans, and was cruelly murdered upon the block.‡

This tory "Patriarcha" of Filmer, commences by denying the grand principle I have all along shown to have been recognized in every nation and in every age of European history, as the fundamental law of legitimate society and government, namely; that "all men are by nature free born," and "have an inalienable right to their inheritance." "Since the time that school divinity began to flourish," says Filmer,§ "there hath been a common opinion maintained as well by divines, as by divers other learned men, which affirms that mankind are naturally en-

* Locke's Works, vol. 5, p. 214.

† See the Life of Sidney, and his Works.

‡ Trial of Sidney. See his Life.

§ See "Patriarcha," or the Natural Power of Kings, by Sir Robert Filmer, Bart. 2d, Lond. 1685, c. 1.

dowed and born with freedom from all subjection, and at liberty to choose what form of government they please, and that the power which any one man hath over another was at first bestowed according to the discretion of the multitude," and that "the people have power to punish, or deprive the prince of all regal power if he transgress the laws of the kingdom."

The latter principle had been sworn to by all the kings of England, down to the reign of the Stuarts.* The English constitution embraced it.† It regarded every man as having the absolute rights of man. It was the basis of English association. Its grand aim was "the protection of every individual in the enjoyment of those absolute rights which were vested in them by the immutable laws of nature."‡

The pro-slavery, or tory school, found this natural system in their way. They could not establish despotism by these fundamental principles. Nor had they any hopes of establishing a system of slavery that would remain permanent, so long as the minds of the people were possessed of the idea that all men were inheritors of equal rights and liberties, and that no one portion were born to rule over the rest. It was necessary, therefore, to strike down this principle of natural liberty and equality. Hence says the arch-tory, Filmer, "The desperate assertion whereby kings are made subject to censures and deprivations of their subjects, follows as a necessary consequence of that *former* position, of the supposed *natural equality and freedom of mankind*, and liberty to choose what form of government it please.§

Many writers before him "had," he said, "bravely vindicated the rights of kings in most points," but none had gone so far as to make war upon the fundamental laws of society in order to maintain their position. "All of them," says Filmer, "when they came to the argument drawn

* "Statutes of the Realm" of England, vol. 1, p. 168. Kelham Prel. Dis. Laws Wm. Cong.—Hale's Hist. C. Law.—Crab's Hist. Eng. Law.—Echard's Hist. of England. 20 Edwd. 3d.

† See Blackstone's Commentaries on the Eng. Constitution, b. 1, c. 1.

‡ Ibid.

§ Filmer's Patriarcha, ch. 1, § 5.

from the *natural liberty and equality of mankind, with one consent admitted it for a truth unquestionable, not so much as once denying or opposing it;* whereas," said he, "IF THEY HAD BUT CONFUTED THIS FIRST ERRONEOUS PRINCIPLE, *the whole fabric of this vast engine of popular sedition would have dropped down of itself.*"*

In what manner did the arch-tory now attempt to "confute" this first principle of society? Why, he first calls it "erroneous," and then asserts that it sprang from the Devil in the Garden of Eden, when he tempted our first parents. Then he asserts that God made the mass of mankind slaves, and ordained the cavaliers or tories to be their masters, and the king the supreme, absolute master. This is the sum of his argument to overthrow the eternal law of equal right. Still he displays a great deal of tact and apparent learning. He, like all tyrants and abettors of legal robbery, makes great use of the "*Sacred Book*," and would make appear that God took immense pains to write the Bible, on purpose to sanction the despotism of kings and slavemasters.

This work of Filmer contains all the arguments which are now advanced by your school in support of the RIGHTS (?) of slavemasters. Nor is it possible to support slavery without denying those fundamental principles of government which the tories denied, and without asserting the same doctrines of despotism which they asserted. The same positions which sustain the assumed rights of the slavemaster, sustain the assumed rights of tory lords, and tyrant kings, and corrupt popes.

Nor did these tories fail to receive the aid of doctors of divinity in promulgating their new political creed. There was Dr. Laud, who answers to your Dr. Lord. And then there was Dr. Sibthorp, who sits well beside your Dr. South-side-view. And then there was Dr. Manwarring, who is answered by Dr. Man-stealer. Dr. Man-war-ing, by the way, was a notorious character under Charles I. He had the honor of preaching before the king, and of supporting this tyrant by libeling human nature. His sermons were published,

* Filmer's Patriarcha, ch. 1, § 6.

wherein he declared "that the king is not bound to observe the laws of the realm concerning the *subject's rights and liberties*, but that his *royal* WILL and COMMAND, in imposing loans and taxes, without common consent in Parliament, obliged the subject's conscience, upon pain of eternal damnation;" that "they rebelled against the laws of God, if they refused to comply, and were guilty of impiety, disloyalty and rebellion."* The Doctor, in taking this position, was not cunning; he was really committing treason against the constitution and government of the realm, and exposed himself to the penalty of the law. The Commons, therefore, called him to account under the charge of attempting to overthrow the government, by asserting the right of the king to enslave the people and rob them of their property. On his being proved guilty, the Commons published a declaration against him, in which they re-assert the *inherent rights and liberties of the subjects of the realm, as an established law of the kingdom*, which no king had right to overthrow.† The foolish Doctor, for attempting to subvert this fundamental law, was sentenced to the fine of a thousand pounds, imprisonment, suspension and disgrace as a doctor of divinity and as a preacher of Christ, and to the burning of his sermons by the common hangman. This was a very mild penalty. It was sufficient, however, to bring the unfortunate man to his senses. He confessed his crime‡ before Parliament, and was finally pardoned.§

The tories, in pushing forward their purposes of enslaving the people, roused the latter to take up arms in self-defence. The nation was plunged into a civil war. The king and his party were defeated. The former lost his head, and great numbers of the latter emigrated to America, and settled in Virginia. These tories brought with them to Virginia all their love of monarchy, of Filmerism, of mastership. They despised labor, looked with contempt upon the laborer, and, what was a very natural result, they sought to make others their slaves, in order to find support.

* See Rushworth's Hist. Coll., vol. 1, p. 423.
† Ibid, p. 593.
‡ Ibid, p. 605.
§ Ibid, p. 635.

Men of the same school had already set up slavery in the colony under the favorable regards of the Stuart despotism, notwithstanding it was in violation of the laws of the mother country, and a palpable breach of the law of nature—the rights of man.

The South, from the beginning, represented toryism, being settled by tories, and ruled by tories at "home" and in the colonies. Hence the doctrines now held by the ruling men of the Southern States are identical with those advocated by Filmer, the arch-tory, and the real founder of the tory school.

You are thus forced, like the worst school of English tories, to wage war upon the legitimate principles of society and government. You, as they, pretend that a "compact"—a bargain—is binding, which requires as a condition the rebellion of the people against Eternal Justice. You pretend that you have derived power by a compact to make slaves, not only of Africans, but of the whole people of the United States. Did the tories of England, in the worst days of tyranny, ever pretend to a more dangerous power over that nation?

As your doctrine with regard to the right of enslaving men is the same with that put forth by your progenitors in England, I shall, in the next letter, answer you with the arguments of the old English whigs.

LETTER VII.

I KNOW not by what principle the legislative power of one nation has better right to enact injustice than that of another. The fundamental law of all nations forbids such claim. Our fathers in the revolution denied it to parliament. Are we not bound to deny it to Congress? It was always affirmed that parliament had no right to make slaves by enactment, or to sanction slavery. Can you tell from what god or demigod Congress has derived such authority? "If there be such a power in the decrees and commands of fools," said Cicero, "that the nature of things is changed by their votes, why do they not decree that what is bad and pernicious shall be regarded as good and wholesome? Or why, if law can make wrong right, can it not make bad good?"* "Those who have made pernicious and unjust decrees, have made any thing rather than laws."†

The slaveholders of Rome opposed this primal principle of all nations. They labored to legalize slavery. The tories of England, under the Stuarts, exerted themselves to the same infamous purpose. They contended it was in the power of government to enforce oppressive measures. Milton met and overthrew their execrable assumptions. He exhibited the fundamental law of the nation; showed that it had been sacredly held even by the early Saxons.

"Our ancestors," said he, "have conveyed this doctrine down to posterity, *as the foundation of all laws*, which likewise our lawyers [not the pettifoggers] admit, that if any law, or custom, be contrary to the law of God, of nature, or of reason, it ought to be looked upon as null and void."‡

* De Leg. 1, 17. † Ibid.

‡ Milton's Prose Works, vol. 3, p. 307. "Bracton and Fleta," says Milton, "both refer to this truly royal law of King Edward" the Confessor.

This "law of laws"—this "Higher Law," it is impossible to abolish. It is coeval with society and government. You can rebel against, and you can subvert government by doing so. In this war upon society and the rights of man, you take sides with all the tyrants of antiquity—you identify yourselves with the jacobins, the tories, under the Stuarts, and under George III.

How can government be founded in justice, and yet have the right to enact measures against justice? This is like asking how a man can be a Christian, and have the right to overthrow Christianity. Has the Almighty given a title to Congress to enact injustice, when He has denied it to the parliament of England, "*What the parliament doth shall be holden for nought, whenever it shall enact that which is contrary to the rights of nature.*"* That, sirs, is what Lord Coke acknowledges to be the fundamental law of government—the constitutional principle—the safeguard against injustice—tyranny, slavery. But your school would hiss it into contempt. You sneer at it—you call it "Babel-building."†

Does not every well-informed lawyer know, that "there is no necessity to obey, where there is no authority to ordain."‡ There is no power in Congress to ordain unjust measures under any pretext. Law, to be law, must be just. Injustice is opposed to law, destructive of law, and "whatever is destructive of law, cannot itself be law, for then the law would be *sole de se*."§ "The legislative power is limited by, and subordinated to, the law of natural justice. If it exceed its limits its acts are no more, as to right and authority, than if the same were by a private society against the will of the whole community; as to honor and good faith, it is much worse."‖ "Against the law of reason, neither prescription nor statute, nor custom,

* See Proeme to 2d Inst. Also, Sharp's People's Rights, p. 236. Also, Leg. Riv. Vin. 62.

† This is the language of that sage man, Mr. Wise, of Virginia, in his letter to Dr. Adams, of Boston, and the Dr. in his "South side view," favors it.

‡ Dav. 69, and 10 Co. 76.

§ Judge Atkins, 221.

‖ Lord Abingdon's Thoughts. See also Loft's Elements of Universal Law, 173.

can prevail; *if any such are brought against it, they are not prescriptions, statutes, or customs, but things void and against justice.*"*

These, sirs, are not the declarations of wild and ignorant enthusiasts, but of profound and learned civilians—men who had made law and government the diligent study of life. They are the declarations of government itself, the decision of judges.

The old whigs, both of England and America, at the period of the American Revolution, opposed the tories with the like authorities against the usurpations of parliament. The Massachusetts General Assembly, in the year 1764, in their petition to the king, took this position against the oppressive acts of parliament, and sustained it with numerous citations of authority.† Thus Judge Hobart had decided that "An act of parliament made against natural equity, would be void; for jure nature sunt immutabilia,"‡—*the law of nature is immutable.* This was pronouncing the Law of Nature, to be the fundamental law of the land, against which no statutes could be allowed. The petition of our whig fathers gives an overwhelming amount of other authorities to the same purpose, and instances where this primal law had been formally recognized by parliament.§

And Otis himself in his masterly work multiplied other authorities in abundance, and gave cases wherein "the common law controled the acts of parliament, and sometimes adjudged them to be utterly void."‖ Thus when an act of parliament is against common right and reason, or repugnant or impossible to be performed, the common law shall control it and adjudge it to be void."¶ "*This doctrine,*" says the Massachusetts Memorial to the king, "*is*

* Doct. et Stud, edition, 1668, p. 5. See also Cod. Lit. 96.
† See Appendix to Otis' rights of the British Col.
‡ Hob. 87.
§ Tren. 12. Jac. Day, v. Savage, S. C. and P. cited Arg. 10, Mod. 115; Hill. 11; Ann C. B. Halt. c. 9, 12; Mod. 687, 688: Hill. 13, W. 3, B. R. in c. of cit. Lond. v. Wood.
‖ See Rights of the British Colonists, p. 73.
¶ And therefore 8 E. 3, 30. T. Tregor's case, W. 2, cap. 28, and Art. Sup. Chart. 9, Sec. 8 Rep. 118, Hill. 7, Dr. Bonham's case.

*agreeable to the Law of Nature and Nations, and to the divine dictates of Natural and Revealed Religion."**

This is what you impiously call "Babel-building," as if government is not bound by the eternal law of right. George III. sneered at it, and his tory ministry, and the tories in parliament, but every whig knew that the "Higher Law" was none the less binding for all that. Nor did they flinch when the hour came to maintain it with more than mere words.

Now, sirs, it is a principle universally acknowledged among all authoritative writers on law, that slavery is contrary to natural law, and cannot by any possible form of legislation be legalized. It is certain that if "by the law of nature all men are born free," which even the civil as well as the common law maintains, you may not attempt to legislate in favor of slavery without committing treason against government.

Montesquieu, than whom there never was one better acquainted with the laws of all nations, after showing that slavery is opposed to the law of nature, says, "Nor is slavery less opposite to the civil law than to that of nature."† Why? Because, sirs, the civil law of all nations assumes that justice alone is the basis of law. And therefore that whatever is unjust is unlawful, and, because civil law to bind all, must be be assented to by all. All men are presumed to assent to be governed by justice, but no man can be presumed to assent to be governed by injustice. Hence the civil law has no power to bind a slave. "What civil law," asks Montesquieu, "can restrain a slave from running away, since he is not a member of society."‡

As "every man is born with a right to freedom to his person, which no other man has a power over,"§ and as "the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which are vested in them by the immutable laws of nature,"‖ it is impossible for any civil society to attempt to protect a few men

* See Appendix, as before, p. 73.
† Spirit of Laws, b. 15, c. 2.
‡ Ibid.
§ See Locke on Civil Government, b. 2, c. 16, § 190.
‖ Blackstone's Com. b. 1, c. 1.

in robbing others of the enjoyment of their absolute right of freedom, without abrogating its own authority, and committing suicide. To attempt it would be assuming "absolute arbitrary power," and "absolute arbitrary power cannot consist with the ends of society and government."*

These are established principles never denied in any civil society, but by robbers, assassins, and the general enemies of society, that "justice must be *denied* to *no* man;"† that "justice must be *done* to *every* man," and "neither denied, nor delayed, not sold to any man;"‡ that "it is better to endure all adversities than to assent to one evil measure;"§ that though "property is valuable to a man, it doth not constitute the value of a man;"‖ that "a bad custom or usage is to be abolished."¶

It is true, the Algerines were governed by no such principles as these, but every one knows that Algiers was not a *civil* state, but a band of robbers. They opposed the legitimate principles of civil society, for the same reason you oppose them, and for no other. Men who do not live by robbery, are not afraid of justice; they have no cause for that. The tories under the Stuarts opposed these principles, but every one knows for what reason: they were the friends of kingship, lordship, mastership, tyranny, slavery, robbery. They sought to overthrow the fundamental principles of the civil state, and to build up an absolute despotism; they made it their chief aim to restore the old feudal slavery. That was what caused the civil war, under Charles I. When they had secured the control under James II., how clearly was it seen that they had doomed the nation to the most disgraceful and insufferable bondage. But your principles are identical with theirs. True, you advocate the divine rights of no single tyrant; you do worse than that, you labor to sustain the tyranny of fifty thousand tyrants. You do not, it is true, endeavor to impose upon us a living despot, under the title of king, but

* Locke as above, ch. 11, § 137.
† Jenk. Cent. 176. Prin. Leg. et. Æquit. 47.
‡ Jenk. Cent. 93.
§ 3d Inst. 23.
‖ Cod. Lit. 124.
¶ Leg. Ri. Vin. 32, 33, 160.

you labor to impose upon us what will be more disgraceful and impious for us to submit to—a dead despot, galvanized, under the name of "the Federal Constitution."

It is natural, sirs, you should desire a king after your own liking. Were you certain of establishing a live one, whose despotism would sustain the claims of slaveholders, you would, if possible, effect that impious work tomorrow. Nor would you be obliged to change your principles to accommodate yourselves to the new form of despotism. All you assert now, is the same that Filmer, the arch-tory, concocted for the support of the Stuart despotism, in England. And the same arguments the best whig writers in those times advanced against your school in England, can be urged with equal power against your present school in America.

You assert that the Federal covenant or compact, guarantees slavery, sanctions property in man. Locke answers you, "This is a power which neither nature gives, for it has made no such distinction between one man and another, *nor compact can convey.*"* So the eminent Cudworth, "Covenants without natural justice, are nothing but mere words and breath, and therefore can they have no force to oblige;"† for "none can be obliged in duty to obey, but by natural justice."‡ Is it not self-evident that "whatever is iniquitous, can never be made lawful by any authority on earth; not even by the united authority of kings, lords, and commons? for that would be contrary to the eternal laws of God, which are supreme."§

But you reply that "slavery is not iniquitous," that it is "a divine institution," and therefore may be legalized. So said the English tories. But Locke answered, "He who attempts to get another man into his absolute power, does thereby put himself into a state of war with him," and thus "being the agressor, forfeits his own freedom;" "for having quitted reason, which God hath given to be the

---

* Locke on Civil Government, b. 2, ch. 15, § 172.
† Cud. Int. Syst. Uni., 2 ed. v. 2, p. 894.
‡ Ibid, p. 896.
§ Declaration of the Peoples' nat. rights, a fundamental principle of the British Constitution, &c., p. 10.

rule between man and man, and the common bond whereby human kind become united into one fellowship and society, and having renounced the way of peace which that teaches, and made use of the force of war, to compass his unjust ends upon another, he revolts from his own kind to that of *beasts* by making *force*, which is *theirs*, to be *his* rule of right; he renders himself liable to be destroyed by the injured person, and by the rest of mankind, who will join with him in the execution of justice, as upon any other wild beast, or noxious brute, with whom mankind can have neither society nor security."*

Thus the slaveholder is set forth as a criminal, as even a "*wild beast*," a "noxious brute"—as one who declares war against the common law of mankind, and instead of being protected in his dangerous warfare by government, is one "with whom mankind can have *neither society nor security*."

So the excellent Sidney, who was murdered for having written a book refuting your impious doctrines, said, "that all mankind are created equally free, is a truth planted in the hearts of men, and acknowledged so to be by all that have hearkened to the voice of nature, and disapproved by none, but such as, through wickedness, stupidity, or baseness of spirit, seem to have degenerated into the worst of beasts, and to have retained *nothing* of men but the *outward shape*, or the ability of doing those mischiefs which they have learnt from their master, the devil."†

Nor did they consider that the slaveholder alone was criminal in this case; but the magistrate who attempted to enforce oppressive laws in the name of government, was a criminal, and placed himself on the side of the devil in rebellion against God and society, and was to be resisted." "Though I am unwilling to advance a proposition," says the excellent Lord Somers, "that may sound harshly to tender years, I am inclined to believe, the same rule which requires us to yield obedience to the good magistrate, who is the minister of God, and assures us that in obeying him

* Locke, Civ. Gov. b. 2, ch. 15, § 172.
† Sidney on Government, vol. 1, ch. 2, sec. 1, ¶ 1.

we obey God, does equally oblige us not to obey those who make themselves the *ministers of the devil;* lest in obeying them we obey the devil whose works they do."*

This, you will say, perhaps, applies only to a magistrate who assumes to command where the law and the constitution give no legal power, and does not refer to a slave-sanctioning officer and executor, or one appointed to execute the fugitive slave act, whose power is sanctioned by the constitution! In this you assert that those who established the present form of federal government granted powers to the officers of civil state to act the part of tyrants, and overthrow liberty and justice. You say that our fathers, in other words, created a constitution which guarantees support to slavery.

I have already shown you what Locke and Cudworth say of such an instrument of compact, and I will add Lord Somers' words: "It is not in the choice or power of any society," says he, "at their erecting the forms of government, to enlarge and extend the power of those, whom they constitute their rulers, beyond the limits and boundaries by which God hath stated and confined magistrates in the charter of Nature and Revelation."†

The charter of nature declares, that "*all men are born free*," that the "*absolute rights* of mankind *are equal;*" that "justice shall be done to *every* man;" that justice shall be denied to no man. Nor is there to be found any legitimate government or order of society, whose fundamental laws do not recognize these self-evident principles. It was impossible, then, for the American people in 1787–8, to establish a system of government wholly at war with government itself. They could bind the nation by no such compact of injustice as you affirm the federal constitution to be!—for "none can be obliged in duty to obey but by natural justice."‡

It is impious and treasonable, then, to assert, as you do, that our fathers bound us to destroy the very government which they labored to establish; that they bound us to

* Judgment of Whole Kingdoms and Nations, ¶ 111.
† Ibid, ¶ 1.
‡ Cudworth Int. Syst. Univ., vol. 2, p. 896.

trample upon the absolute rights of mankind, obliged us to become a nation of pirates.

Nor would it be less infamous in us to admit your execrable doctrine than for you to assert it. The greatest civilians that ever lived, have declared that "the people have no power to grant power to destroy or injure the meanest person, saving upon a previous crime and a just demerit."* Hence, as before shown, and as I shall now add, in the language of the martyr Sidney, "That which is not just is not law, and that which is not law ought not to be obeyed."† And again, "Unjust commands are not to be obeyed," even if they pretend to arise out of a constitution; "and no man is obliged to suffer for not obeying such commands as are against law."‡ Hence Blackstone: "The Law of Nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; *no human laws*," (*or constitutions*) "*are of any validity, if contrary to this.*"§ "The right and authority of God himself is founded in justice; *and of this is the civil sovereignty* also a certain participation. It is not the mere creature of the people, and of men's wills, and therefore annihilable again by their wills at pleasure; but hath a stamp of divinity upon it."‖

But you affect to despise this and call it "Babel-building." The slaveholders of antiquity talked like that in respect to the justice of legitimate government; so did the robbers and pirates of Algiers, and Peter speaks of those who "through covetousness and feigned words, made merchandize of men; and who, walking after the flesh in the lusts of uncleanness, *dispensing government*, being presumptious, self-willed, and not afraid to speak evil of dignities," were "as natural brute beasts made to be taken and destroyed, and should utterly perish in their own corruption."¶

---

* Judgment of Whole Kingdoms, &c., ¶ 1.
† Sidney on Government, vol. 2, p. 34.
‡ Ibid.
§ Blackstone's Com. vol. 1.
‖ Cudworth, as above, B. 1, ch. 5.
¶ Peter's Epist., ch. 2, v.v. 3, 10, 12.

"If our fathers promised for themselves to become slaves, they could make no such promise for us," said Milton to the Jacobite Salmatius; "we shall always retain the same right of delivering ourselves out of slavery, that they had of enslaving themselves to any whomsoever."* "That right which nature has given the people for their own preservation, how can you affirm has been given to tyrants for the people's ruin and destruction?"† "Since therefore the law is chiefly right reason, if we are bound to obey a magistrate as a minister of God, by the very same reason and the very same law, we ought to resist a tyrant, and a minister of the devil."‡

To what purpose, then, do you declare that the people of the American States, in 1787–8, bound themselves by a covenant to sustain slavery—to dispose of the absolute right of their brethren in a manner wholly at war with government and society? Every one knows, who has any understanding of the principles upon which civil society is based, that the people had no such power. If they attempted it, they assumed to themselves rights which it would be impossible to suppose any but God himself could claim. "The people," says Chancellor Somers, "can nowise interpose in the disposal of the rights which belong unto God, and which he hath incommunicably reserved to himself; nor can they confer those measures and degrees of authority upon those whom they elect and advance to magistracy, which God hath antecedently precluded, the one from bestowing and the other from receiving."§

As civil society is based upon the law of nature, it is clear, as already shown, that "no human law is binding which is contrary to the laws of nature."‖ To suppose it would be a palpable contradiction. Hence, as all authorities concur, and the judicious Hooker emphatically affirms, "Human laws must be made according to the general laws of nature."¶

---

* Milton's Defence of the People of England.
† Ibid. Milton's Works, vol. 3, p. 216.
‡ Ibid, p. 275.
§ Judgment of Whole Kingdoms, ¶ 1.
‖ Ibid, ¶ 14.
¶ Hooker's Eccl. Pol, l. 3, sec. 9.

To admit your monstrous assumption, that our fathers attempted to bind their children by a system of injustice to become man-thieves, robbers, pirates, "brute beasts," "blood hounds"—would be bad enough; but for us to *admit* that they *could* thus bind us, is impious—blasphemous; for it is to suppose that the Infinite God is so tyrannical and unjust as to hold posterity bound to perform the unjust oaths of their progenitors. To *admit* that we *are* thus bound, is to admit that we can be and are, legal slaves to plantation masters.

Your system thus makes us blasphemous slaves, if we submit to it. It renders justice impossible to be supported. Your government is not legitimate, then, but a bastard, a tyranny, which we are bound to reject and overthrow. This is just, it is right, it is a solemn duty; for, as Lord Somers says, "that is just which doth destroy tyrannical government; that is unjust which would abolish just government."* You, as the tories in England, abolish just government, and set up an oligarchal despotism, which denies human rights and crushes the soul out of the nation.

Government, as it is ordained of God, has its bounds, its unalterable and eternal principles. It can have no right to do wrong, even if all the people and their rulers should resolve they had, and should swear to maintain so contradictory and diabolical a position. "These," says Locke, "are the bounds which the law of God and nature have set to the legislative power of every commonwealth, in all forms of government: they are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor—for the favorite at court and the countryman at plough; they are to act for the good of the whole people."† Hence, as "every man is born with a right to the freedom of his person, which no other man has a power over,"‡ it would be the absolute destruction of civil society, and the assumption of the right of a band of robbers, to attempt to sanction one portion of

* Judgment of Whole Kingdoms and Nations, ¶ 35.
† Locke on Government, b. 2, ch. 11, § 142.
‡ Ibid, ch. 16, § 190.

the nation in depriving others of their just right; for, as Cudworth says, "the bond of bodies politic can be none other than natural justice—something of a *common* and *public*, of a cementing and coagulating nature in all rational beings."* Injustice segregates, dissociates, completely breaks up a nation; destroys government, barbarizes mankind, and renders society impossible. The interest of the slaveholder is partial, selfish, and at war with the rights of mankind, at war with justice; hence, at war with legitimate government and society. How impossible is it, then, for a people to favor such a class of men without precipitating their own ruin, without allowing that humanity have no absolute rights; and thus allowing themselves no absolute defence against themselves being made slaves.

Salmatius, the French Jacobite, who wrote in defence of the tyranny of Charles I., asserted that the constitutional principles of England gave despotic powers to the king. This is like what you assert of the American Constitution. Milton's answer to Salmatius is an answer to you. "Though it were possible for you," said Milton, "to discover any statute, or other public sanction, which ascribes to the king a tyrannical power, since that would be repugnant to the will of God, to nature, and to right reason, you may learn from that general and primary law of ours, that it will be null and void. But no such right of kings has the least foundation in our law."† Nor is there any law of the American nation by which slaveholders have the right they claim for themselves in the constitution. There is no American law by which the Legislature can enact in favor of slavery, no more than in favor of adultery, rape, forgery.

The power of legislators is limited by the laws of nature. Hence Milton, speaking of the law by which the representatives of the people are bound, says, "They are limited by the law of nature only, which is the only law of laws truly and properly to all mankind fundamental; the beginning and end of all government; to which no par-

* Int. Syst. Univ., b. 1, ch. 5.
† Milton's Prose Works, vol. 3, p. 268.

liament or people that will thoroughly reform but may and must have recourse."*

The basis of *public* liberty is the same as that of the *personal* liberty of every man. That basis is Natural Law. Your doctrine of the constitution strikes at this and undermines the whole foundation of civil freedom. You deny all guarantee to the rights of the nation, and claim to yourselves the sole mastership, and the absolute slavery of the people to your oligarchy of slaveholding aristocrats. "He that oppugns the public liberty," says Sidney, "overthrows his own, and is guilty of the most brutish of all follies, while he arrogates to himself that which he denies to all men."†

I have shown, in former letters, that it had ever been recognized by all legitimate forms of society and government, that "*by the Law of Nature all men are born free*," and that this law constituted the fundamental basis of all legal organizations of men from the earliest periods. "This law," says Cicero, "is the same eternal and invariable law, given at all times and in all places, to all nations; because God, who is the author thereof, and has published it himself, is always the sole master and sovereign of mankind. Whoever violates it, renounces his own nature, divests himself of humanity, and will be rigorously chastised for his disobedience, though he were to escape what is commonly distinguished by the name of punishment."‡ Have you not seen the punishments Eternal Justice brought upon Rome for slaveholding? The same unbending law of the Almighty holds amenable at the dread bar the acts of the American people in respect to the just rights of three and a half millions of their own brethren. The liberties and rights of the whole people of America, black and white, are indissolubly united. That which sinks and destroys the one part, sinks and destroys the whole; that which exalts and secures one, preserves and ennobles all.

Greece, I have shown, had her noble sons who exposed

* Ready and Easy Way to Establish a Free Commonwealth.—Milton's Prose Works, vol. 3, p. 403.

† Discourses on Government, vol. 1, p. 330.

‡ De Repub., lib. 3, apud Lactant, Inst. Div., lib. 6, cap. 8.

the injustice of slavery, and warred against its direful results. Isocrates took the side of right, and maintained the paramount obligations of the "Higher Law." The sophists sneered at him, but he stood firm, and declared to the slaveholders, and all other classes of Grecian robbers, "He who prefers injustice to justice, and makes his sovereign interest consist in depriving other men of their rightful claims, is like to those brute creatures that are caught by the bait; the unjust acquisition flatters his sense at first, but he shall find himself involved in very great evil."* Ah, sirs! how great, how immense was the evil that afterwards involved Greece for this one sin of slaveholding—this greatest of all national curses!

* Isoc. Orat. de Permutat.

LETTER VIII.

You oppose the doctrine of the preceding letter in regard to legislative power. So did the tories of England. The doctrine is based on the Law of Nature, and cannot be abrogated. The tories made war upon it, and labored to overthrow society in England in the time of the Stuarts. In the reign of George III., the same impious school gained the control in the councils of the British nation, and at once commenced a crusade against liberty and right. The first purpose was to enslave the whig colony of Massachusetts, to break down her independent spirit, and cripple and stultify her energies. They had no idea that the Southern colonies would join with the North on whig grounds to oppose tory despotism, as the Southern colonies had been made up mostly of tory elements under the Stuarts. They knew that the Virginia House of Burgesses had been extremely strong in its tory principles under the Stuarts, and had passed resolutions in favor of that execrable despot, Charles I., and had secretly acknowledged the sovereignty of his banished son, (afterwards Charles II.) They knew that the tory settlers of Virginia had always hated the colony of Massachusetts on account of her liberal principles and her free institutions.

Massachusetts had opposed slavery as "a vile and odious course." True, in 1637, in the reign of the tyrant, Charles I., Massachusetts authorities were over persuaded to dispose of some captive "savages" by sending them to the West Indies. These were exchanged for "*negroes* and *other merchandise*," which were brought into the colony. They were the first slaves in New England.* One of these was a captive African princess. This fact became known through the colony. It excited great disgust when it was

* Winthrop's Journal. See Col. Amer. Stat. Assoc., vol. 1, p. 200.

heard how the brutal man who bought her treated her virtue. The people were aroused against the infamous institution. The whig friends of Massachusetts in the mother country protested* against the introduction of slavery into the puritan colony. The Legislature of the colony then took in hand the abolition of the iniquity they had introduced, and passed laws forbidding any species of involuntary servitude.†

Shortly after this, a number of African captives were landed in the colony and sold. The fact was brought to the knowledge of the general court, whereupon they resolved that, "conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing, as also to prescribe such timely redress for what is past, and such a law for the future as may sufficiently deter others belonging to us, to have to do in such vile and most odious courses, justly abhorred of all good and just men, do order that the negro interpreter, with others unlawfully taken, be, by the first opportunity, at the charge of the country, for the present, sent to his native country of Guinnea, and a letter with him of the indignation of the court thereabouts, and justice thereof."‡ Shortly after, Providence plantations and Warwick, passed acts against slavery.§

Thus while anti-slavery principles—the fundamental principles of society—were being carried out in the Northern colonies by English whig settlers, the Southern colonies, settled mostly by tories, were fastening upon the South that detestable system of robbery and oppression which is now sinking it beyond recovery. Almost at the instant that the people of Massachusetts, through the general court, abolished the slavery which had but just been introduced, the tory lords of England established a constitution for the province of Carolina, in which they impiously declare that every *free man* of the colony shall possess "*absolute power* and *authority* over his negro slaves, of

* Mass. Hist. Coll., 3d Series, v. 9, p. 2.
† Coll. Amer. Stat. Assoc., vol. 1, p. 200.
‡ Ibid, vol. 1, p. 201.
§ See Updike's Hist. Narraganset Church, p. 170—174.

whatever opinion or religion,"* whether heathen or Christian. At this time Sir John Yeamans, a tory, with his tory followers, settled in Carolina with a body of African slaves."†

Shortly before this, and under the special favor of the Stuart despotism, slavery had been introduced into the Catholic colony of Maryland, and under tory influence the Maryland Assembly enacted, consonous with the arbitrary and unjust rule at home, that "the *people* of the colony consisted in *all* the *Christian* inhabitants *excepting* the *slaves*."* These were not considered *people*, even though they might be Christians. They were a new species of animals—*brute*-Christians, not Christian *people*.

The *professed* purpose of the tory lords in establishing the colony of Carolina was "the propagation of the gospel among the heathen."† They were very zealous for religion. They had filled the prisons of England with such heretics as Richard Baxter, who had denounced slavery,‡ and John Bunyan and Alleine. The first act of missionary labor in Carolina was the introduction of negro slavery; the second was by King Charles himself—a gift to the knightly slavemaster-missionaries, of twelve pieces of cannon and military stores.§ Tories from England flocked to this colony. They "fomented the spirit of discord among the Indian tribes, and promoted their mutual wars, for the purpose of obtaining slaves, by purchasing the captive Indians,‖ and bartering them in the West Indies for Africans.

Thus was the gospel promoted by the tories among the heathen.

The pirates, too, came in for a share. This tory colony became a house of refuge to them, and a shelter from the storm. These high sea murderers and robbers were specially favored by the robber king. Patronized in the beginning, by him, knighted indeed, and honored for their

* Graham's Hist. of the United States.
† Boyman, Oldmixon, Chalmers.
* Graham's Hist. U. S.
† Ibid. Also Bacon.
‡ Clarkson's Hist. of the Abolition of the Slave Trade, vol. 1.
§ Graham.
‖ Ibid.

episcopal robberies, they were recommended by the royal favor to the kind regards of the favorite tories of Carolina. The ports of the province were thrown open to them. They were furnished with supplies of provisions in exchange for their golden spoils. The tory governor and all the tory inhabitants—who were indeed the principal inhabitants, were in full fellowship with these pirates. And this "missionary christianization of heathen" was carried on for a great many years.*

The gospel of Christ, however, was scarcely at all preached in the colony till after the year 1695. The first time the ordinances of religion were administered, was in 1696, by some puritan missionaries sent into Carolina from Massachusetts.† There were no school-houses, no meeting-houses—no legitimate society, no government of impartial justice. Everywhere was robbery, murder, ignorance, vulgarity, toryism, slavery.

It is hardly to be wondered at then, that the tory lords under George III., had no expectation of rousing the opposition of the southern colonies when they, in connection with the king, struck at the old whig liberty of Massachusetts.

The contest commenced in 1761, in the town of Boston, in the old court-house, in the masterly speech of James Otis against the Writ of Assistance. "Then and there," says John Adams, "American Independence was born."‡ In opposition to troy despotism, both that of the lords of England, and that of the slavemasters, he proclaimed the natural freedom and equality of mankind. He boldly asserted the rights, not only of the white, but of the black man. He denounced African slavery, and urged such high-toned principles, as made Mr. Adams tremble when he thought of them.§

Slavery had stolen in upon the puritan colony by evasion of the law, and by the aid of tory influence, so that at the moment Otis was speaking, slaves were advertized for

* See Graham.
† Ibid.
‡ See Tudor's Life of Otis.
§ Ibid.

sale in the Boston newspapers. Otis denounced the system as wholly illegal and iniquitous. It was contrary to the English law; and no court could side in its favor. The blow struck by this fearless patriot, roused the minds of others.

Then came the news of the stamp act. The spirit of alarm and of earnest inquiry flew abroad. It was seen that a regular system of oppression had been determined on by the tory power of the mother country. The question arose, how shall we remonstrate? What shall we say? We must declare that the supreme power has no right to make slaves of us. We have the right of British subjects. We are under the protection of the laws of the realm. But it is impossible to assert the rights of any class to the exclusion of others. Our colonial charters make no difference between black and white colonists. If we appeal to the protection of the just laws of our ancestors, we cannot deny the protection of the same laws to all who are born under them. English law cannot be allowed to protect the white, unless it be allowed to protect the black; for the law knows no color. All who are born in the English colonies, are born under the obedience, power, faith, liegealty, or liegeance of the king, and are natural subjects and not aliens, they are free born, and not slaves *de jure*,* and if slaves *de facto*, it is contrary to law.

"The king is bound to protect the liberties and rights of his subjects, [black or white,] as much out of therealm of England as within it;† and his protection and government is general over all his dominions and kingdoms as well in time of peace, by justice, as in time of war, by the sword.‡ Allegiance and protection are inseparable. There is a mutual bond of obligation.§ 'By the law of nature all men are born free.' The judges of England have declared 'the law of nature to be a part of the law of the realm.'‖ The king is bound to protect all his subjects in their birthrights. In declaring, then, that the colonists are free

* Coke's 7th Rep. Calvin's case, pp. 5, 6.
† Ibid, p 8. Also Regist. fol. 25, b. 26. 44, E. 3.
‡ Coke's 7 Rep., p. 9.
§ Ibid, p. 5.
‖ Ibid.

British subjects, entitled to all the rights of any other of the king's subjects, slavery is declared illegal. For the law of nature is paramount. 'It was before any judicial or municipal law in the world;'* it was before slavery, and slavery was opposed to it. 'But the law of nature is immutable,' and, as the law of the British realm, it unalterably requires the protection of all the natural rights of British subjects."†

These legitimate principles of the English government were now to be trampled upon once more by the tory lords and the foolish king, they had secured to their interests. Blind and fool-hardy, they pressed their measures of despotism, as you, sirs, are at the present moment pressing your odious plans of tyranny, upon the American people.

In 1764, Massachusetts passed resolutions in which the rights of all the colonists were declared, without respect to rank or color. And James Otis, under the sanction of the Massachusetts House of Representatives, published his work on the Rights of the British Colonies, in which it was declared that "the colonists are by the '*law of nature*' free born, as indeed all men are, white or black."‡ "Nor can any logical inference in favor of slavery," said Otis, "be drawn from a flat nose, or a long or short face."§ Speaking of a certain class of slaveholders, he says, "They can, in general, form no idea of government, but that which, in person, or by an overseer, the joint and several proper representatives of a Creole and of the devil, is exercised over ten thousands of their fellow-men, born with the same right to freedom, and the sweet enjoyments of liberty and life as the unrelenting task-masters, overseers, and planters. . . . . The law of nature was not of man's making, nor is it in his power to mend or alter its course. Its disobedience can never be with impunity even in this life."‖

---

* Coke's 7 Rep., p. 9.

† 20 H. 7, 8. Fortesque, c. 13. Acts of Parl. 10, R. c. 5, and 11. R. 2, c. 1. 14 H. 8, c. 2, &c.

‡ See this work referred to, p. 29.]

§ Ibid.

‖ Ibid, pp. 29—31.

There was not an intelligent lawyer in the colonies, who did not at once perceive that, in advocating the rights of the British subjects in America against the claims of the tories of England, the equal rights of every native-born colored man, though held a slave, was also declared. The Rhode Island whigs, and those of all the northern colonies, in taking part with Massachusetts in 1764, assumed this ground. In Connecticut they declared* "*all* the inhabitants," "all the people of the colonies and plantations in America, are really, truly, and in every respect under the protection of the British constitution;" that "protection and subjection go together;" "that no man owes allegiance to a power that will not regard his inherent and inalienable rights;" that "as *all* the subjects of the king [black and white] are bound to obey, so *all* the king's subjects *are to be protected* in the natural rights that belong to them;" that "as *all the people* of the colonies are the subjects of the British government, so *the British constitution and laws guarantees the protection of the lives, liberties, and properties of all.* . . . . . NOR CAN ANY CLASS OF THE INHABITANTS OF THE COLONIES BE EXCLUDED, as the charters granted not liberty to one, and doomed others to be slaves, but declared that 'ALL *the subjects shall have and enjoy* ALL *the liberties and immunities of free and natural subjects* EQUAL with those within ANY of the dominions of us, [the king,] our heir or successors, to all intents, constructions and purposes whatsoever, *as if they and every one of them were born within the Realm of England.*"'

This made it illegal for any person born in the colonies, or within the realm of England, to be held a slave by the colonists, no matter what was his color, for the law had no knowledge of color or the shape of the nose. Hence the town of Boston, in their resolutions passed in 1764, declared that *all the natural rights*, guaranteed to the subjects in the kingdom, were guaranteed to the colonists, without respect to color, by the colonial charters. Hence James Otis, in behalf of Massachusetts, declared that "the

* See "Reasons why the British Colonies in America should not be charged with Internal Taxes, &c. New Haven, 1764."

same right that *allows* of the slavery of one, sanctions the slavery of all, seeing that the rights of all are equal."* And furthermore said he, 'that *the colonists*, *black* and white, *born here*, are FREE-BORN British subjects, and *entitled to all the essential civil rights of such*, is a truth, not only manifest from the provincial charters, from the principles of the common law and acts of Parliament, but from the British Constitution, which was reëstablished at the revolution [that overthrew the despotic Stuarts in 1688] with a professed design to secure the liberties of *all* the subjects in all generations."†

Now the revolution in England, in 1688, in overthrowing the tory despotism of the Stuarts, ought to have been followed in the colonies with a revolution overthrowing slavery, inasmuch as slavery had been introduced into the colonies by the tories, under the tyrannical Stuarts, against English law.

But, as already shown, the tories had settled the Southern colonies, and slavery was their darling offspring, which they would cherish, though it destroyed them, because they would rather die than labor for an honest livelihood.

The tories under George III., in forcing upon the colonies oppressive measures, forced the true men of America to look into the fundamental principles of the nation. There they found the old law of nature as the eternal basis of legitimate government. There they found that "by this immutable law all men are born free," and have an equal title to the protection of the civil power. There they found that slavery was at war with the charters of rights, and that they could lay no claim to the protection of the English constitution without allowing the equal and inalienable rights of those held as slaves.

Hence, St. George Tucker, a Virginia professor of law, and a judge in the General Court, declared that "slavery in the colonies was a departure from the principles of the common law"—"a measure not to be reconciled to the principles of the *Law of Nature*, nor even to the most arbitrary

* Rights of the British Colonists, p. 33.
† Ibid, p. 37.

establishments in the English government at the period" of the Stuarts, when it was introduced; for "absolute slavery, if it ever had existence in England," said Judge Tucker, "had been abolished long before."*

So Judge Wilson, of Pennsylvania, a revolutionary patriot, declared "slavery" to be "unauthorized by the English common law;" and that "it is repugnant to the principles of Natural Law, that such a state should subsist in any social system;" that, "in the enjoyment of their persons and their property, *the common law protects all.*"†

This was tested in Massachusetts, according to Dr. Belknap,‡ a cotemporary. Several cases were tried, according to this writer, and, "on the part of the blacks, it was pleaded, that the royal charter *expressly declared* ALL *persons born or residing* in the Province to be *as free as* the king's *subjects in Great Britain;* that by the laws of England *no* man could be deprived of his liberty but by judgment of his peers." The latter, however, referred to questions of crime, and not to the trial of question of property in man. Judgment was rendered in favor of freedom.

Shortly after the favorable decision of the first case in Massachusetts, in 1769, the same question came up in the case of Sommerset, in England. When it was decided that, according to English law, negro slavery was illegal, and that it had no respect to the color of a man; that a slave, in short, could not legally exist under the British Constitution.

In view of all this, South Carolina, in 1774, "resolved that His Majesty's subjects in North America [without respect to color or other accidents] are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain;" "that it is their *fundamental right*, that *no man should suffer in his person or property without a fair trial*, and judgment given by his peers, or by the law of the land." Furthermore, "that no power had right to take the *rightful* property of another,

* See Examination of the Question on the Common Law, by St. G. Tucker.

† See Judge Wilson's Works on Law, vol. 2, p. 488.

‡ See Mass. Hist. Coll., vol. 4.

without his consent given personally, or by his representatives."*

The same resolutions had been passed over and over again in all the other colonies, North and South. This was, up to the year 1776, common whig ground of union between the colonies and the mother country: the authority of Magna Charta, the English common law, the Natural Law as the basis and fundamental law of the British realm, and the natural rights of the colonists, as acknowledged and guaranteed in the colonial charters.

All of these, however, toryism (both in the mother country and in the colonies) trampled upon and kicked aside. For the tory denied the authority of justice and the Natural Law, and scouted the doctrine, that "by the law of nature all men are born free."

The Southern colonies, in uniting with the North on fundamental principles of English law, declared the illegality of slavery. When the colonies were forced to abandon the protection of English law, being driven to this by the tories, who denied its authority and trampled upon the constitution, they were forced to plant themselves solely upon the *Law of Nature*, and declare themselves free and independent.

In assuming this independent position, it was impossible to avoid adopting the Law of Nature as the fundamental basis of the nation. America could have effected nothing for herself on the platform of tory principles. It was toryism—pro-slaveryism—that was at war with America, and demanded her unconditional surrender. There was no alternative, but to surrender to slavery—to pro-slavery power, or to take anti-slavery ground—the law of human rights—and defend their position as best they could.

Taking this ground of Natural Law, Southern slaveholders, who were sincere, would not only be ready to acknowledge the illegality and unrighteousness of slavery, but would condemn it, and be willing to adopt some certain method for its overthrow.

* See Hist. Revolu. South Carolina from a British Province to an Independent State. By D. Ramsay, M. D. 1785. Vol. 1, pp. 18, 19.

Hence, we find that, through the whole period of the revolution, and for several years after, not an instance can be found of a whig patriot justifying slavery. On the contrary, every one of them took occasion, in one form or another, to condemn this institution.

In a political work, published in Charleston, South Carolina, in 1784, the writer, in the very outset, declares that "such is the fatal influence of slavery on the human mind, that it almost wholly effaces from it even the boasted characteristic of rationality."* This noble whig writer advocated "that the Constitution [of South Carolina] should be framed on principles of *equal freedom*, in order that oligarchal despotism might be prevented from assuming the control.†

The tories however bore rule in that state. They were determined to perpetuate slavery. The few whigs who were true to principle were overwhelmed by the arts, corruptions, and despotism of wealthy nabobs who had secured the power in their own hands. Licentiousness, ignorance, tyranny, and degrading bondage were the characteristics to be seen everywhere.

Alluding to the unhappy state of things in that day, this writer says: "No man can be said to enjoy even the shadow of freedom in a state whose laws and police do not protect him from insult and injury. Licentiousness is a tyranny as inconsistent with freedom, and destructive of the common rights of mankind, as is the arbitrary way of an enthroned despot."‡

You, sirs, would do well to learn from this whig writer of South Carolina, the great mission of the American States. You will recollect that he spoke the sentiments of the true whigs of the Revolution. "It has been too common with us" [of S. Carolina] said he, "to search the records of other nations, to find precedents that may give sanction to our own errors, and lead us unwarily into confusion and ruin. It is our business to consult their histories, not with a view

* See Conciliatory Hints, &c., submitted to the Consideration of the Citizens of South Carolina, by Philodemus, p. 5.
† Ibid, p 27.
‡Ibid p. 32.

to tread right or wrong in their steps, but in order to investigate the real sources of the mischiefs that have befallen them, and to endeavor to escape the rocks which they have all unfortunately split upon. It is paying ourselves but a poor compliment, to say that we are incapable of profiting by others, and that, with all the information which is to be derived from their fatal experience, it is in vain for us to attempt to excel them."

The tories then pointed to Grecian and Roman slavery in justification of slavery in the American *Republics*. This southern whig would have them see that, slavery was the great rock on which those ancient Republics split. He would have them remember that the lessons of the past give a terrible warning to slave-holding despotisms. "If" said he "with all those advantages, together with the peculiar happiness of our present free, uncontroled, and, as it were, unconnected situation (such as no nation before us ever did, and probably none after us ever can enjoy); if with all these," said he, "we are incapable of surpassing our predecessors, we must be a degenerate race indeed, and quite unworthy of those singular bounties of Heaven, which we are so unskilled or undesirous to turn to our benefit."

This was the great fact that was pressed home to the hearts of the true patriots of those times. They felt that in breaking loose from all connection with European institutions—in becoming independent of the English government—in establishing civil institutions properly and truly American, every improvement should be made that the advantage of circumstances could allow. "The superiority of our condition over that of other nations," said they, "is truly amazing. It seems as if the Almighty had intended the various revolutions and misfortunes of all other states for our particular instruction, and then placed us in the only possible situation in which we could practically profit by it. Before us, no people were ever so entirely relieved from the control of hereditary rulers and military force. Before us, none have ever been so free to associate upon terms of equality. All before us have been surrounded with neighbors who would have been ready to support the first usurper that should seize upon the reins of government.

In order to render such a condition of real utility to the people, it was necessary to provide for them a new world, out of reach of the interference of the rest of mankind. It is on us, and us only, that the great Ruler of the Universe has bestowed this great and wonderful blessing. To show our grateful sense of his beneficence, we should improve these happy circumstances to our own and the welfare of our posterity. We should set an example of prudence, justice, and generosity, becoming the characters of men who have made the noblest struggle in the cause of freedom."*

The tories, or pro-slavery men, had no fellowship for these rational views. They lived only for themselves, and sought to turn government to their own account. Slavery was their darling institution; and though it resulted in the entire destruction of society, the total subversion of government, and the overthrow of morals and religion they cared not, so long as it supported their luxuries.

---

* See work above cited p. 33.

LETTER IX.

Two months and ten days after the Congress of 1776 had declared it to be a "self-evident truth, that all men are created equal, and endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness," the Massachusetts House of Representatives "Resolved, that the selling and enslaving the human species is a direct violation of the natural rights, alike vested in all men by their Creator, and utterly inconsistent with the avowed principles on which this and the other United States have carried their struggle for liberty even to the last appeal."*

This was the whig spirit of the revolution—it was the manner in which the whigs understood the grand movement of the nation. The tories who had stolen the livery of the whigs—who, in other words, had assumed the name of whiggery, secretly favored slavery, and made use of every possible stratagem to defeat and overthrow the liberal policy and principles of the revolution.

Hence, while the true whigs—the sons of Freedom—were laboring to destroy the institution of slavery throughout the American States, the impious tories under the guise of moderate whigs, labored to preserve and establish this system of robbery. It was through the influence of these false men, in the council of the Massachusetts General Court, that the above noble resolution was prevented from going before the world.

Congress, in 1774, had made a unanimous and solemn agreement, upon sacred honor, "that they would neither import, *nor purchase any slave imported*, after the first day of December; after which time" they agreed "*wholly* to discontinue the slave trade, and would neither be concerned in it themselves, nor would hire their vessels, nor sell their

* See Coll. Amer. Statist. Assoc., vol. 1, p. 205.

commodities or manufactures to those who should be concerned in it."*

The tories of the Northern States united with those of South Carolina and Georgia to defeat this effort to suppress the slave-trade. Jefferson complained of this shameful disregard of the congressional agreement, and declared that South Carolina and Georgia "never attempted to restrain the importation of slaves," and refers also to "Northern brethren" who "had been pretty considerable carriers of slaves."†

The tories in the North were anxious, as already observed, to preserve the institution of slavery. The men of this stamp in Massachusetts endeavored to prevent the introduction of that clause in the constitution, which declares the equal rights and liberties of humanity, because they knew that the whigs would make use of it for the abolition of slavery in the Bay State.

A Constitution was framed and sent to the people in 1778. This instrument, by the artful management of certain influential tories, bearing the name of "moderate whigs," carefully left out the declaration of equal human rights,—the fundamental basis of civil association. The true whigs in the county conventions, exposed this trick, and the people rejected with scorn the miserable mockery which had been offered as a constitution.

Other conventions were called, and at last, in 1780, a form of constitution was framed and adopted, that gave freedom to the slaves in Massachusetts. It is worthy of remark, that the same principle upon which the slaves became free in this state, was the same, almost in the very expression, with that declared by Louis X. of France, in 1315, when he abolished slavery throughout his kingdom; namely, "All men are by nature free born"—"All men are born free and equal."

But you would have it, sirs, that "Jack Frost abolished slavery in Massachusetts," and not the constitution, not the fundamental law of civil society. That will answer now for tories to say. Dr. Belknap, of Massachusetts, was written to in 1795 by Judge Tucker, of Virginia, inquiring

* Am. Arch. 4 se., vol. 1.
† Madison Papers.

in what manner slavery was abolished in the Bay State. Dr. Belknap answered, that it had been abolished by that article in the constitution which declared the liberty and equality of mankind, and that this very clause was incorporated into the bill of rights for this express purpose.* Furthermore, that the like clause incorporated into the New Hampshire constitution, three years after, was with the understanding, that all who were born of slave parents from the time of the adoption of the constitution were born free."†

Thus without legislation, but by the fundamental law of society, acknowledged and adopted by the people of these two Northern states, slavery was abolished.

The same primal law was incorporated into every other American constitution, except into that of South Carolina. She was too essentially toryistic, or Filmerean to take this step. She adopted, through her delegates, however, the principles of the Declaration of Independence. And, moreover, on adopting a constitution, she did not, as she could not legally, incorporate any clause or word recognizing slavery, or the right of property in man. Such a step would have been too infamous in those days.

I have said that the whigs of the revolution not only in declaring the principles of human right in opposition to the infamous claims of the tories, but also in establishing the state governments, took great pains to develop and unfold, as the eternal foundation of civil institutions, the grand Law of Nature. All the writers on government from the earliest periods, were ransacked, and all the writers on Natural Law. It was found that on no other point was there so universal an agreement as on this one— "that by the Law of Nature all men are born free," and that "by the Law of Nature all men are entitled to equal absolute rights."

There was found a diversity of expression, it is true; but in the one fundamental law of liberty there was no variation. The tory writers under the Stuarts, and those of that period who favored the despotism of George III. constituted the only school that denied this law.

---

* See Mass. Hist. Coll., 1st Series, vol. 4, p. 204.
† Ibid.

Burlamaqui had declared that "Moral or natural liberty is the right which *nature gives to all mankind* of disposing of their persons and property after the manner they judge most consonant to their happiness, on condition of their acting within the limits of the law of nature, and that they do not any way abuse it to the prejudice of any other man."*

The same was declared by Chief Justice Blackstone.† So Puffendorf affirmed that "the Law of Nature obliges us to hold all men equal with ourselves;" and that "the Law of Nature is none other than the great rule prescribed by Christ himself of 'doing unto others as we would have them do unto us.'"‡ The "judicious Hooker" also declared the same principle in his "Ecclesiastical Polity"§ in almost the exact words quoted above. The "learned Grotius" also, in his work on "Peace and War,"‖ not only recognized the same principle as fundamental in civil association, but as absolute in morals, being a part and parcel of the immutable Law of Nature. This Higher Law—the foundation of all civil states—he found to have been universally acknowledged by poets, orators, historians, philosophers and jurists in all ages. These he quoted, he said, "as witnesses whose conspiring testimony mightily strengthened and confirmed this point, since their discordance on almost every other subject showed that their unanimity on the Law of Nature"—the Higher Law—"was by the influence of that Higher Law itself." It was this universal agreement which established it as a Law of Nature in all intelligent minds. "When," says he, "several persons of different times, in various places, maintain the same thing as certain, such coincidence of sentiment must be attributed to some general cause."

Then, referring to the numerous quotations he had made

---

* Burlamaqui's Natural and Political Law, vol. 1, c. 3, sec. 15.

† Commen., vol. 1, p. 125.

‡ See Puffendorf's Law of Nature and Nations, Oxford ed., 1710, p. 109. Puffendorf was a learned German civilian and historian, born in 1631. Burlamaqui was a German civilian, born in 1694.

§ Hooker was born in 1554.

‖ De Jure Belli et Pacis. Grotius was born in Holland in 1583; was one of the profoundest men of the age.

from writers of various times and nations on this point, he says, "Now, in the quotations before us, that cause [before referred to] must necessarily be one or the other of these two—either a just consequence drawn from natural principles, or a universal consent. The former discovers to us the law of nature, and the latter the law of nations."*

So Horne, in his Mirror of Justice, written about the year 1275, says "According to the Law of Nature all creatures ought to be free."† And Hughes, in his edition of the Mirror of Justice says, "Sure I am that every law, custom, usage, privilege, prescription, act of Parliament, or prerogative, which doth exalt itself above or beyond the . . . . Law of Nature, hath ever by the worthy sages of our laws been declared to be void."‡

So the learned St. German, in the early part of the 16th century, declared that this "Law of Nature, which is ordained of God, may be called God's law united unto man's nature; for what was the image of God in man . . . . but —*lex primordialis*—a primordial law exactly requiring and absolutely enabling the performance of duties of piety unto God, and of *equity to men both in habit and art.* Hence, according unto the opinion of most learned divines and legists: "*Lex nature nihil aliud est quam participatio legis æterna creatura;*" and according to others: "*Lex naturæ est lumen ac dictum illud rationis, quo inter bonum et malum discernimus.*"§

In "America's Appeal to the Impartial World," published in Hartford in 1775, the Law of Nature is thus declared: "Man hath an absolute property in, and right of dominion over, himself, his powers, and faculties;" by that law he is "independent of, and uncontrolable by, any but Him who created and gave him his powers. And whatever is acquired by the use and application of man's faculties, is equally the property of *that* man, as the faculties by which the acquisitions are made; and that which is absolutely the property of a man he cannot be divested of but

---

* De Jure Belli et Pacis, b. 1, c. 1. Barbeyrac; Prel. Dis, § 14.
† See Mirror of Justice, c. 2, sec. 28.
‡ See Hughes' ed. of Horne's Mirror of Justice, 1768. Address to the Reader.
§ Doct. et Stud.

by his own voluntary act."* "Either *all* is our's, and nothing can be taken from us but by our consent; or nothing is ours, and all may be taken without our consent. The right of dominion over the persons and property of others is not natural, but derived; and there are but two sources from whence it can be derived: from the Almighty, who is the absolute proprietor of all, and from our own free consent."†

Neither the slaveholder nor the tory lords of England could show credentials for the first, nor could they show that they had derived any right to rob and enslave by the consent of those they were disposed to victimize.

Nothing is more evident in American history than the fact, that, in establishing the nationality of America, the great and good men who took the leading part, recognized as the sole basis of the civil organization, the grand Law of Nature by which all men are entitled to freedom and equal rights—impartial justice. This appears in almost every act of Congress during the revolution, and in every State Constitution, from the extreme North to the borders of South Carolina.

The patriots, in writing and speaking of the purpose of the great contest, referred to it, not as a defence of the rights of slaveholders, as you do now, but the "rights of Human Nature." When Gen. Washington and Gen. Charles Lee came to Cambridge, in July, 1775, the people's delegates congratulated them as "the defenders of the *rights of human nature;* and they, in reply, acknowledge the compliment in the same terms.

To Gen. Washington they said, "While we applaud that attention to the public good, manifested in your appointment, we equally admire that disinterested virtue, &c., which can afford to hazard life, and to endure the fatigues of war, *in defence of the rights of mankind*, and the good of our country."

To this Washington replied: "In exchanging the enjoyments of domestic life for the duties of my present honorable but arduous station, I only emulate the virtue and

* Page 5.

† See the above noble work for much more besides.

public spirit of the whole Province of Massachusetts Bay, which, with a firmness and patriotism without example in modern history, has sacrificed all the comforts of social and political life *in support of the rights of mankind*, and the welfare of our common country. My highest ambition is, to be the happy instrument of *vindicating those rights.*

To the Hon. Charles Lee, the Massachusetts Congress thus addressed themselves: "Sir—The Congress of the Massachusetts Colony, *possessed of the fullest evidence of your attachment to the rights of mankind*, &c., do with pleasure embrace this opportunity to express, &c. We admire and respect of a man who . . . *engages in the cause of mankind*, in defence of the injured and relief of the oppressed." To which Gen. Lee replied: "Nothing can be so flattering to me as the good opinion and approbation of the Delegates of a free and uncorrupt people. *I was educated in the highest reverence for the rights of mankind.* . . . I thank you, gentlemen, for an address which does me so much honor, and shall labor to deserve it."

In almost immediate connection with these addresses, we have an address of the General Congress to the army, in which the principles of pro-slavery men are held in detestation, and identifying the claims of the tory slaveholder with those of the tory ministry in England. "If," said they, "it were possible for men who exercise their reason, to believe [as none indeed but tories could] that the Divine Author of our existence intended a part of the human race to hold absolute property in, and an unbounded power over, others, marked out by his infinite goodness and wisdom, as subjects of legal domination, never righteously resistable, however severe and oppressive, [which was the Filmerian or tory doctrine] the inhabitants of these colonies might at least require from the Parliament of Great Britain some evidence that this dreadful authority over them has been granted to that body. But a reverence for our Great Creator's principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to preserve the welfare of mankind, and ought to be administered for the attainment of that end."

This is exactly the principle I have all along shown to

have been recognized in every age as the fundamental principle of civil society, and which renders slavery impossible in a legitimate society; which renders it absolutely impossible for legitimate government to sanction slavery, but rather makes it obligatory on government to abolish it, as at war with civil government, like murder, robbery, rape, and every other vice.

The General Congress, also, in its address to the people of Ireland, recognized the grand principle of the American revolution as that of the "right of human nature." So in the address to the inhabitants of Great Britain, the same is brought to view; and in the address to the inhabitants of Canada, Congress said: "When hardy attempts are made to deprive men of *rights bestowed by the Almighty, when avenues are cut through the most solemn compacts* for the admission of despotism; when the plighted faith of government ceases to give security to loyal and dutiful subjects; and when the insidious stratagems and manœuvers of peace [law and order, gentlemen,] became more terrible than the most sanguine operations of war, *it is high time for them to assert those rights*, and, with honest indignation, oppose the torrent of oppression rushing in upon them. . . . . We, for our part, are determined to live free, or not at all, and are resolved that posterity shall never reproach us with having brought slaves into the world."

Pennsylvania declared, through her delegates, that "mankind are, in their own nature, as independent of one another as they are dependent upon God;" that "this liberty and independence is, therefore, a right naturally belonging to man, of which it would be unjust to deprive him against his will."*

This language they adopted from Burlamaqui; and furthermore, that, "upon considering the primitive state of man, it appears most certain, that the appellations of sovereign and subject, master and slave, are unknown to nature. Nature has made us all of the same species, all

* See an Essay on the Constitutional Powers of Great Britain over the Colonies in America: with the Resolves of the Committee for the Province of Pennsylvania, and their Instructions to their Representatives in Assembly, Phil., 1774. Burlamaqui's Principles of Pol. Law, vol. 2, p. 38.

equal, all free and independent of each other; and was willing that those on whom she bestowed the same faculties should all have the same rights."*

The most abundant testimonies were cited by the whigs of the revolution on this point, against the tory doctrine of oppression. Thus Locke: "Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person; *this* NOBODY has any right to *but himself.* The labor of his body and the work of his hands, we may say, *are properly* HIS."†

So Lord Camden, in defending the rights of the Colonies, declared, "It is the *Law of Nature* that whatever is a man's own, is *absolutely* his own; no man has a right to take it from him without his consent either expressed by himself or representative. Whoever attempts to do it, attempts an injury; whoever does it, commits a robbery; he throws down and destroys the distinction between liberty and slavery."

Yet you, sirs, in this age, attempt to make us believe that our fathers intended to establish slavery and not liberty. You trample upon the sacred principles for which our fathers suffered. You scout and kick aside with contempt our free State Constitutions, and convert the Federal Government into a ruinous despotism. You mock at our fathers; you libel our institutions; you overthrow trial by jury; you chain our court-houses, and convert them into slave-pens; and then, in derision, you call us "degenerate Greeks." You deny, with the oppressors of Europe, that all men are, by the Law of Nature, born free, and created equal; and to support your system of robbery, you have converted the Federal Union into a slaveholding oligarchy. The people have felt your iron hand. It is enough. They are convinced that you, sirs, are their sworn enemies. You have roused them to battle for the right. They will know the truth, and the truth shall make them free.

---

* Ibid. This had been declared by Burlamaqui, of Geneva, in the forepart of the 18th century.

† Locke on Civil Government, part 2, c. 5, § 27.

LETTER X.

Your political school—the pro-slavery school of America—is identical in doctrine with the worst school of English tories. The time was, when, in this country, there was no respectable man who dared openly advocate your execrable theory, unless it might be in South Carolina. The principles of the American Revolution were directly opposed to the doctrines you now maintain. This I have already shown. What the tories of the mother country advocated you now advocate. True, you do not claim the right to tax colonies at a distance, but you do assert the right to impose odious and oppressive measures upon the free states; you do claim the right, through the general government, to trample out and annihilate our free institutions; you do pretend that whatever you can effect through the halls of legislation for strengthening the slave power at the expense of human rights, you have a right to effect; and we, miserable wretches! "degenerate Greeks!" as you call us, are bound to submit. In short, there is not a fundamental principle of the constitutions of the free states, you do not as a political school attempt to annihilate.

Not only in your measures, but in your openly declared doctrines, you strike at the root of all free government. There is not a constitution north of Virginia, whose fundamental principle is not the equal, absolute rights of human nature. But you deny the truth of this principle in toto. You call it a "chimera."* You assert that mankind "never were equal" "nor was it intended," you say, "they ever should be."† You declare that the doctrine of the "natural liberty and equality of mankind," is a "general and radical error among political and moral theorists."‡ Calhoun in 1849 called this great truth, a lie.

* Fletcher's Studies on Slavery, p. 407. † Ibid.

‡ See letter from Henry A. Wise of Virginia to Dr. Adams of Boston. The like reproach is cast upon this constitutional principle by Drs. Lord, Blagden and other pro-slavery or tory writers.

In short, sirs, it is absolutely impossible for you to maintain pro-slavery principles without taking the impious course of the arch-tory, Sir Robert Filmer, and deny this fundamental principle of all legitimate society. It was a necessity for him. Why? He could not support the despotism of the Stuarts without denying that grand doctrine, which had always been held as the first principle of legitimate society, and which opposed itself as a barrier to tyranny and slavery.

Filmer found, on hunting among old writers, that this primal principle was advocated by the school-men, and this he brought up as a reproach against it. The whig Sidney thus answered him:—"He absurdly imputes to the school divines that which was taken up by them as a *common notion*, written in the heart of every man, denied by none. "The school men were not fools. They could not but see that which all men saw, nor lay more approved foundations than that man is naturally equal, that he cannot be justly deprived of his liberty without cause."* It is not strange that the man who was thus opposed to the tyranny of the tory party should be murdered for his defence of freedom. Your party, when in full power, has in all ages murdered those advocates of freedom and equality who were honest and bold enough to oppose your infamous libels upon human nature.

If you will examine Algernon Sidney's and John Lock's criticisms upon Filmer's "Patriarcha" you will see with what detestation those tory doctrines you advocate were then looked upon by the good and wise men of England. Think, sirs, whose company you are keeping in occupying the ground you do in opposition to the fundamental law of society, and all legitimate government. You are with Charles I. and II. and James II. and George III. and the Duke of Buckingham and the detestable Archbishop Laud, the bloody Jeffries and Sir Robert Filmer; nay, indeed, with all the execrable tories and tyrants of those periods of civil war, and robbery and murder.

"Mankind," they declared, "were not created equal and free. The masses of the people were created slaves, and the remainder to rule over them."† So the tories under

* Sidney's Discourses on Government, vol. 1. p. 43.
† See Lock on Civil Government, B. 1. c. 1.

George III. denied the equal rights of mankind, and argued a right to act as the masters of the colonists. The whig fathers of the revolution, taking the ground of Natural Law, asserted the natural freedom and equality of mankind. Nor could they take any other position against the British tyrants. They were forced to assert the first law of society—the self-evident truth that all men are created free and equal before God and in the eyes of just law.

Understand, sirs, what it is that renders revolution necessary. Is it not "a long train of abuses" on the part of the power that rules in the name of law? Is it not in consequence of the oppressive measures at war with society, forced upon the nation, and which must, if not resolutely resisted, result in the entire overthrow of the social state?

There never was a rebellion, says an ancient writer, unless tyranny was the cause of it. None but tyrants, robbers, and base men can deny the equal rights of mankind, for only such can have hearts base enough to allow themselves to declare war against the constitutional law of society. Our fathers, who were forced to resist the tory power of Great Britain, had all the old whig works in their hands,—those grand and masterly productions which the greatest and best minds of England had delivered on the subject of human rights—works written against those innovating despots and tyrants, who were determined to turn society upside down, and establish absolute and perpetual slavery.

They quoted John Lock who said, when battling against the infamous Filmer, "a state of equality wherein all the power and jurisdiction is reciprocal, no one having more than another . . . is the natural state of mankind . . . there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection." In 1774, the Hon. Mr. Wilson, of Pennsylvania, published his noble work in defence of the colonies, in which he declares, "all men are, by nature, equal and free," and that "no one has a right to any

* See his Works on Law, &c., vol. 3, pp. 205, 206.

authority over another without his consent."* So De Witt Clinton, referring to the tory despotisms of the mother country, and the existence of slavery in the new world, asks :—" Have not prescription and precedent—patriarchal dominion—[which had been specially advocated by Filmer under the Stuarts, as well as the] divine right of kings and masters, been alternately called in to sanction the slavery of nations? And would not all the despotisms of the ancient and modern world have vanished into air, if *the natural equality of mankind* had been properly understood and practiced.... This declares that the same measure of justice ought to be measured out to all men, without regard to adventitious inequalities, and the intellectual and physical disparities which proceed from inexplicable causes."*

Alexander Hamilton, in 1774, in defending the action of Congress of that year against the outrageous charges of an American tory, said to him, " the *fundamental* source of all your errors, sophisms, and false reasonings, is a total ignorance of the *natural rights of mankind.* Were you once to become acquainted with these, *you could never entertain a thought, that all men are not, by nature, entitled to equal privileges.* You would be convinced that *natural liberty is the gift of the beneficent Creator to the whole human race; and that civil liberty is founded on that.*"†

But you, sirs, scout this great truth, and take sides with the impious tories of the revolution. Must not every thinking American of the present day see, that to allow your school to control the nation, must inevitably result in its total ruin. If your doctrine subvert the fundamental law of all societies of men, how can American society endure under your crushing administration?

The law of human equality is written by the Almighty in the constitution of man. So said Hamilton, so said Franklin, so said Jay, so said Hancock, the Adamses, the noble Warren, and all the true whig patriots of the revolution. But you deny this doctrine, and take sides with the enemies of America, against the fathers of the revolution. " The sacred rights of mankind are not to be rummaged for among old parchments or musty records," said Hamilton.

* See his Address, Dec. 24, 1797.
† See Hamilton's Works, vol. 2, p. 61.

"they are written, as with a sunbeam, in the whole volume of human nature, by the hand of the Divinity itself; and can never be erased or obscured by mortal power."*

The House of Burgesses of Virginia, so early as 1765, acknowledged this fundamental law, in asserting the rights of the colonies, and it was afterwards incorporated into her constitution as the prime basis of civil association and government. Was that all mockery? It was effected in opposition to tory influence.

Pennsylvania, also, in 1765, "Resolved that the constitution of government in that province was founded on the natural rights of mankind .... and therefore is and ought to be perfectly free." Massachusetts in the same year passed like resolutions, and indeed every other colony north of Virginia. So also the committees from the several colonial assemblies, which met in New York on the 19th October of that year, (1765,) recognized the same eternal fundamental "law of liberty and equality."

Indeed, sirs, how can you escape the infamy which must attach to you from the fact that the doctrines you uphold, and the measures you urge are identical in spirit with those detestable principles and measures of the tories of our fathers' days.

You claim that a part of mankind were born to be the slaves of a privileged class. You assert that you have a right to appropriate the hard earnings of unfortunate men to your own use. In other words, you, as the tories, claim the power of taxing certain classes of men without their consent, and without allowing them any honest representation in your councils. This is toryism complete. "That personal freedom is the natural right of every man," said the immortal Warren, "and that property, or an exclusive right to dispose of what he has honestly acquired by his own labor, necessarily arises therefrom, are truths that common sense has placed beyond the reach of contradiction. And no man, or body of men, can, without being guilty of flagrant injustice, claim a right to dispose of the persons or acquisitions of any other man or body of men, unless it can be proved that such a right has arisen from some compact *between the parties*, in which it has been

* See Hamilton's Works, vol. 2, p. 80.

explicitly and freely granted." One hundred and nine days after Warren had uttered that declaration against slavery, he fell a noble martyr in its defence on Bunker Hill. Yet some of you boast that you will one day stand upon that spot with your slaves.

It was a whig principle, adopted from the fundamental law of human rights, that "he who detains another by force in slavery, is always bound to prove his title." "The slave, or person claimed as a slave, must not be obliged to prove a negative, namely, that he never forfeited his liberty. But the violent possessor was bound to prove in all cases his title, against the original claims of the old proprietor—that is, the man himself. Each man is the original proprietor of his own liberty. The proof of his losing it is incumbent on the claimant."* "Without satisfaction given, permanent power assumed by force over the fortunes of others, must generally tend to the misery of the whole. .... We must therefore conclude, that no endowments, natural or acquired, can give perfect right to assume power over others without their consent."† "All men," said the noble whig, Harrington, in the days of the Stuarts, "all men, naturally, are equal; for though nature with a noble variety has made different features and lineaments of men, yet as to freedom, she has made every one alike, and given them the same desires."‡

The constitutional convention held in Ipswich, 29th April, 1778, declared that the benefits of government are greater or less, "according as government is more or less conformable to those principles of equal and impartial liberty which is the property of all men from their birth as the gift of the creation." "We are contending for freedom," said these upright whig fathers; "let us all be equally free. It is possible, it is just. Our interests [those of the blacks and whites] when candidly considered, are one. Let us have a constitution founded, not upon party prejudices—not one for to-day, or tomorrow—but for posterity. Let *Esto perpetua* be its motto. If it be

* Hutchinson's System of Moral Philosophy, Lond. 1755, vol. 2, B. 3, c. 3, sec. 6. See, also, "A short introduction to Moral Philosophy, in 3 Books, by Francis Hutchinson, LL. D., vol. 2, book 3, ch. 3, sec. 6.

† Ibid, B 2, c. 5

‡ Harrington's Works, 3d ed., Lond. p. 11.

founded in *good* policy, it will be founded in justice and honesty. Let *equal* justice be done to *all* the members of community; and we thereby imitate our common father. All men are born equally free; the rights they possess at their births are equal, and of the same kind. Some of these rights are alienable, others inalienable, and can have no equivalent. The slave receives no equivalent. Common equity is opposed to his condition. These rights are to be clearly defined in a bill of rights previous to the ratification of any constitution."*

When the Massachusetts constitution was adopted in 1780, as already hinted, the declaration that all men are born free and equal, was incorporated, "not merely," says Dr. Belknap, "as a moral or political truth, but with a particular view to establish the liberation of the negroes on the general principle, and so it was understood by the people at large."†

Thus was it recognized in Massachusetts on the adoption of her constitution that "Government *de jure* is a civil society of men, instituted and preserved upon the foundation of *common right*."‡ Harrington, who uttered the above, represents an illegitimate or bastard government, to be "an art whereby some few men, subject a city or nation, and rule it according to his or their PRIVATE *interest*."§ Such a system was not to be permitted; the people were bound to resist it, and overthrow it. And what other is your pretended government, but just this system of bastardy; an oligarchy of slaveholders, which the American people in the name of equal justice, and the rights of humanity, are bound to overthrow. There is not a free state constitution you have not trampled upon.

The people are therefore bound to rout your whole force; for "whatever alteration mankind may have made in regard to their original state, they cannot, without violating their duty, break in upon that state of peace and society, in which nature has placed them, and which, by her laws, she has strongly recommended to their obser-

* Report of the committee of the Essex Co. Convent. Massachusetts, 1778.
† Massachusetts Hist. Coll., 1st Series, vol. 4, p. 203.
‡ Harrington's Oceana. See his Works, 3d Ed. 1767, p. 37.
§ Ibid, pp. 517, 520.

vance."* In allowing you to carry out your pernicious principles, the people would be, subverting their own institutions of freedom and justice, and submitting to be your slaves.

I have already shown that your system of slavery is worse than that of the barbarians of Europe in the early periods of the Christian Era. Guizot says, "the principle that all men's lives are of equal worth in the eyes of the law, was established by the code of the Visigoths."† But your despotism denies this principle, and makes the life of those you hold as slaves, and of those who oppose slavery, of little more worth than the life of a dog.

You traduce and villify those, who, like the true whigs of '76, are the firm friends of freedom, and the advocates of equal human rights. This is to be expected. But that you should be permitted to impose the most odious enactments upon the people in the name of law, in order to support a system of oppression which is contrary to law, and justice, is a degradation to which the people of America cannot submit without overwhelming their own institutions with floods of corruption and disgrace.

That "slavery is condemned by reason and the law of nature" has been decided even by the Supreme Court of Mississippi.‡ "Allegiance to that power which gives us the forms of men," said the eloquent Sheridan, commands us to maintain the *rights* of men; and never yet was this truth dismissed from the human heart; never, in any time, in any age; never in any clime where rude man ever had any social feelings; never was this unextinguishable truth destroyed from the heart of man, placed as it is in the core and center of it by his Maker, that *man was not made the property of man.*"§

The whigs of the American revolution, as already shown,

---

* Burlamaqui, part 4, c. 1, § 4.

† Guizot's Hist. Europe, Civil. p. 81. Amer. ed., 1838.

‡ This declaration was given in 1818. See Walker's reports of cases &c., p. 42. Fletcher, the tory advocate of the South, a renegade Northerner, says of this decision of the Mississippi court, it is "a false and suicidal assertion, most unnecessarily and irrelevantly introduced. See Fletcher's Lessons on Slavery, p. 392.

§ Sheridan before the House of Lords in 1787, in the trial of Sir Warren Hastings. Baron de Wolf advances the same principle. See Observat. sur le Traite du Droit de la Nat. de m. 1763.

were opposed to slavery from the very nature of their principles, they based their political system on "Natural Law"—the "Higher Law"—the fundamental law of all legitimate society and government. I find this inculcated in hundreds of works published between 1761 and 1800, on the subject of government and human rights, great numbers of which directly attacked slavery. In short anti-slavery was the spirit of that period. Nor were there any who ventured to defend slavery in public.

The distinct and emphatic manner in which the doctrine of equal human rights was stated in its opposition to slavery, at that period, has already been shown. And here I may add the words of one of the leading whigs of Connecticut in that era: "That freedom is the sacred right of every man, *whatever be his color*, who has not forfeited it by some violation of municipal law, is a truth established by God himself in the very creation of human beings. No TIME, NO CIRCUMSTANCE, NO HUMAN POWER OR POLICY can change the nature of this truth, nor repeal *the fundamental laws of society by which every man's right to liberty is guaranteed.* The act therefore of enslaving men is always a violation of those great primary laws of society, by which alone the master himself holds every particle of his own freedom."*

The same author speaking of the state of the public mind on the subject of slavery at that period says:—"The injustice of enslaving any part of the human race has been the subject of so much public discussion, and so generally admitted by the inhabitants of Connecticut [he was at this time addressing them] that any attempt to prove it, would be a very ill compliment to the understanding of my fellow-citizens. Nor could any efforts of mine add novelty to the subject; so numerous, elaborate and diffuse have been the essays, and so powerful the eloquence employed in vindicating the violated rights of humanity, that language and rhetoric are exhausted."†

Thus, it is seen by a cotemporary writer and one of the most learned men of New England, that in the year 1783,

* See Effects of Slavery on Morals and Industry. By Noah Webster, 1783.

† Ibid p. 5.

some four years after the adoption of the present Federal Constitution, the subject of slavery had been so thoroughly discussed, so openly denounced, and so generally admitted to be a gross violation of justice, the fundamental law of human society, that it had become quite common-place.

From what I have shown, then, it is evident that slavery is wholly illegal. It has always been illegal. It was contrary to law in Greece, in Rome, in all the nations of Europe during the middle ages. It was abolished as illegal—as a monstrous sin—as at war with legitimate society and government. Negro slavery was set up by a corrupt papal power. It was sanctioned only by the despots of Europe in opposition to the law of civil society. It was introduced into the South, solely under the favor of tory despotism. The English law condemned it. Positive law could never be made to sanction it. It exists at the present moment in the South against law. The civil power of the Southern states—what civil power there is—has never been able to establish this infamous institution.

This has been acknowledged by Senator Mason, of Virginia. "If it be required" said he "that proof shall be brought, that slavery is established by existing laws, it is impossible to comply with the requisition, for no such proof can be produced, I apprehend, in any of the slave states. I am not aware that there is a single state in which the institution is established by positive law."*

Yet you pretend that slavery is sanctioned by the Federal Constitution. You say that our fathers in adopting that instrument, established slavery, and bound themselves and their children, and their children's children to support it. Infamous libel!—Has it not been shown that that is not law, that is not just? That that cannot bind that does not justly oblige?—that government, as ordained of God and instituted by the people, is for the protection of the absolute rights of human nature?—that, for government to attempt to establish slavery, is to abrogate itself, and to commit suicide?

Your theory then abolishes government, overthrows society, makes war upon the people, sets up despotism, crushes

* See Mason's Speech in the U. S. Senate 19th Aug. 1850.

humanity and converts human life into a domineering beastliness, on the one hand, and a brutal degradation on the other.

Our fathers established and nationalized slavery!—Shame—eternal infamy to that name which lends its sanction to that impious libel! They legalize slavery? Look to it, sirs! The time has come when this falsehood shall rebound upon your own heads. The whigs of the revolution knew and declared that no legal power on earth could sanction slavery.

The American government *de jure*, on its establishment, could not be less than equal in its institutions, equitable in its fundamental principles. *De jure*, it could not then sanction slavery. And what it could not effect *de jure*, it had no authority for effecting *de facto*. On the contrary, as the government was legitimately founded on equal justice, it was *de jure* anti-slavery; inasmuch as justice is opposed to injustice. For if equal justice was not its fundamental law,—then it was not a government *de jure*, but something else *de facto*. If then the constitution, as you assert, sanctions slavery, it is bastard and not legitimate. For no legitimate constitution of government can sanction that which *de jure et de facto* is at war with government.

You, then, in asserting that the Constitution of the United States sanctions slavery, assert that the government of the United States is bastard—that it has no legal foundation—that the legal bond of union between the states is a rope of sand. For no one is bound by a compact that is unjust. Every one is indeed bound to tear it in pieces and scatter its atoms to the winds.

Your theory then overthrows the American Union. It denies the American government. It sets up despotism, makes war on society, annihilates law, abolishes justice, tramples upon all free institutions, and enslaves the people.

If the present Federal Constitution is what you assert in respect to slavery, it is opposed to the principles of the revolution. It takes sides with the tories. It is a tory instrument and not whig. It is a cheat upon the people—an impious imposition, which the people of the present generation are bound to destroy in order to preserve themselves and their institutions.

Your theory makes civil power at war with human rights, whereas civil power is bound by the law of its existence to preserve human rights. That is not *civil* power that requires the rendition of an innocent man to slavery, but a power at war with civil government, at war with society, which mankind are bound to resist, as they are bound by the law of nature to preserve the rights of nature—the institutions of society—the liberties of mankind.

Your theory is at war with the fundamental laws of all the free states. Every pro-slavery advocate in the free states, as much commits treason against the states governments of the North, by advocating his theory, as the silly Dr. Manwarring did against the government of England when he advocated the divine right of Charles I. to tax the English people without their consent. Every state—the people of every commonwealth, are bound to preserve their own constitution. There can be no *legal* power in the general government that can abrogate the *fundamental* laws of the states. For it is only *by virtue* of those fundamental laws that every state is a free commonwealth.

The rights of human nature constitute the fundamental principle of every legitimate civil society. The people have no power—no right to abandon this law under any circumstances. They are bound to resist every invading power that comes in to destroy or to trample upon it. To allow of such invasion is infamous treachery to society. It is a degradation to which only degenerate men—beastly cowards, and traitors can be supposed willing to submit to. The only salvation for our free institutions is in the union of all the true sons of freedom on the fundamental law of society, and a manly and determined resistance to your infamous despotism.